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AUTHOR Cahalan, Margaret; Cook, Ronna
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ABSTRACT

This report is the fourth and final volume presenting results of the Phase II Comparative Study of Case Review Systems, focusing on the implementation of the dispositional hearing component of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). This volume presents results from questionnaires administered to 250 agency and court personnel in the states and from abstract analysis of 450 case records of children having dispositional hearings. Where possible in reporting survey results, comparisons are made to national study results. Because it is the final volume, the conclusion summarizes major findings from previous volumes and addresses issues raised in all phases of the study. Appendix C contains the executive summary of the National Survey Report published in Volume I. Chapter topics include the following: orientation toward the hearings: the survey results; perceptions of hearing functioning: the survey results; perceptions of impact, problems in implementation, and recommendations: the survey results; characteristics of children: the case record abstracts; decision making at hearings: and conclusions and issues to be addressed. Extensive appendices, exhibits, and tables provide additional data, including the survey questionnaires and case record abstracts. (DST)

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COMPARATIVE STUDY OF STATE CASE REVIEW SYSTEMS PHASE II-- DISPOSITIONAL HEARINGS

Functioning of the Hearings

Volume IV
Final Volume

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Department of Health and Human Services
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Primary authors:

Margaret Cahalan, Ph.D.
Ronna Cook, MSW
Westat, Inc.

Submitted by:

Westat, Inc.
1650 Research Blvd.
Rockville, Maryland 20850

In affiliation with:

American Bar Association
National Legal Resource Center
For Child Advocacy and Protection

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EXECUTIVE SUMMARY

Introduction

Under the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) Congress outlined a case review system which included:

- The development of a case plan for each child in foster care;
- A semi-annual review by a court or administrative body to review the progress made in implementing each case plan; and
- Procedural safeguards which include a dispositional hearing conducted by a court or court appointed body to determine the future status of the child, within 18 months of a child's placement, and periodically thereafter.

The Study of Case Review Systems Phase II: Dispositional Hearings focuses on the dispositional hearing component of the case review system and addresses three major questions:

(1) What is the response of states to P.L. 96-272 with regard to dispositional hearings?

(2) How are dispositional hearings operating in the states?

(3) What are the advantages, problems and issues surrounding the implementation of the hearings?

Study Methodology

To address these questions, a two-part study was conducted consisting of a national exploratory survey of the hearings in 50 States and Washington, D.C., and an in-depth study of the 18th month dispositional hearings in Arizona, Louisiana, Montana, North Dakota, San Francisco County (California), South Carolina, Virginia, and Washington, D.C. A special feature of the study was collection of parallel information and opinions from both court and agency staff.

The primary sources of information for the national study were telephone interviews with the state foster care administrator and one judge from each state. In addition, a statute search was conducted to determine the statutory basis for case review in each state.

The in-depth study sites were purposively chosen according to the differentiation in their case review systems. Site visits were made to the state child welfare office and three counties in each state (except in the case of San Francisco County). A total of 250 questionnaires were administered to court and agency respondents. In addition, 450 case records of children having had hearings were abstracted in order to gain an understanding of the effects of dispositional hearings on case outcomes.

This report is the fourth and final volumn of the Comparative Study of State Case Review Systems Phase II: Dispositional Hearings.[3] Volumn 1 presented results of the National Telephone Survey. Volumn II presented case studies of the eight study states; highlighting state laws and policies, implementation of the hearings and individual state issues. Volumn III provided an analysis of the state statutes regarding case review and due process procedures.

This report presents results of the questionnaire and case record abstract analysis for the eight study states. Following is a summary of the major findings from the opinion questionnaires and case record abstracts on how the hearings are functioning.

Major Findings of the Selected State Study

- Only one half of all agency and court respondents indicated that the hearing often or usually resulted in a definite decision for a permanent plan for the child. However, 89 percent of the agency respondents believed there was a point in time when they were required to make a definite decision about the future direction the child's case would go rather than allowing the child to stay in foster care. Forty-four percent of the agency respondents disagreed with the component of the law that the hearings determine the plans for the child's future status.

- The majority of court and agency respondents believed the person conducting the hearing had the authority to order the agency to change the custody/placement status of a child. However more than 30 percent of both agency and court respondents did not believe the person conducting the hearing had the authority to order the agency to initiate termination proceedings, to file for guardianship of the child, or to take steps to place the child for adoption within a certain time frame.

Court Appointed bodies who conduct the hearings were perceived to have much less authority than those conducted by the courts themselves.

- Most Children Continue in Foster Care: For more than half (59 percent) of the sample cases the hearing decision was continued foster care placement. Of the total sample, 13 percent had a decision of permanent foster care and 43 percent nonpermanent foster care for specified or unspecified time. Of those with a decision of nonpermanent foster care only 37 percent had a time frame specified. The specified time frame often referred to the next regularly scheduled hearing rather than a limited time in foster care. The hearing decision for 23 percent of the children was to return the child home, while 18 percent of the children had a decision of TPR/adoption.

- Younger Children More Frequently have a Decision of Return Home. Children having a decision of return home were on the average three years younger than those having a decision of continued foster care placement. The average age for sampled children having TPR or adoption as a decision was 6.4 years old and for permanent foster care 14.8 years old.

- Children with Disabling Conditions had Decision to Return Home Less Frequently.* Of the sampled children with a decision to return home, 27 percent had disabling conditions compared to 53 percent of those with the decision to remain in foster care.

- Overall, the Hearing Decision Agreed with the Agency Recommendation in 88 percent of the Cases. In cases in which the decision was return home the agreement was 92 percent. When the decision was TPR/adoption, agreement was 97 percent and in permanent foster care, 96 percent.

  Agreement of hearing decision with agency recommendation occurred least frequently (in 80 percent of cases) when the decision was continued foster care. The agency less frequently recommended continued foster care than the decision ordered.

*Disabling conditions include mental retardation; emotional disturbance; specific learning disabilities; hearing, speech or sight impairment; and physical disabilities. Agencies were provided definitions for these categories. See Appendix E for definitions.

- Sixty seven percent of cases had an initial case plan goal of return home. Thirty three percent of these had a hearing decision of return home.

- Legal Counsel Present in Less than One-Half the Cases. The case review abstract indicated that legal counsel was present for the child in 48 percent of the cases, for the parent in 31 percent of the cases, and for the agency in 40 percent of the cases. Overall, 63 percent of the agency and 76 percent of the court respondents indicated that legal representatives were usually or often adequate.

- Parents were more frequently present at hearings in which the decision was to return the child home. Parents were present in 59 percent of the cases in which the decision was to return the child home compared to 40 percent of the cases in which the decision was to continue the child in care. Thirty percent of agency respondents and 44 percent of the court respondents indicated that parents attendance at hearings "often" or "usually" influence the decision of the hearing.

- The major problems in implementation of hearings were increased workload, procedural problems, lack of funding and training.

- Training for dispositional hearings has been very limited for agency and court personnel. Less than one-third of the court personnel and only 37 percent of agency personnel interviewed had any orientation training to P.L. 96-72. Eighty three percent of the agency personnel indicated having permanency planning training, however, only slightly more than one-half of the court respondents had permanency planning training.

- Courts have had little or no additional funding made available to them for implementation of the hearings.

The Role of the Dispositional Hearing in the Case Review System.

The selected state study revealed great support among all court and agency personnel interviewed for both the concept and procedure of court based dispositional hearings. It was also found, however, that there is still considerable confusion among both court and agency personnel regarding the specific objective of the dispositional hearing in the case review system.

The results of the opinion questionnaire and case record abstracts on how these hearings are actually functioning indicated that the hearing procedure implemented by the eight states to meet the dispositional hearing component of P.L. 96-272 have not necessarily resulted in a permanent decision on a child's future status. The decision for almost one half the sampled children who had hearings was to remain in foster care and only half of the agency and court respondents indicated that they felt the hearings resulted in a definite decision on the permanent plan for a child's home. Only 43 percent of the agency respondents and 62 percent of the court respondents felt the hearing set a definite timetable in which the decision was to be implemented.

The statutes of the eight study states also outline varying roles for the dispositional hearing in the case review process. California, has a state law which mandates proceedings in which the future status for a child must be chosen from specified alternatives. The law outlines statutory standards and time frames for implementing the decision. Louisiana and South Carolina have recently passed legislation which also states that a determination must be made from specified alternatives. These laws stipulate that continued foster care must be for a specified time period.

Virginia's law mandates proceedings in which the future status for a child may be chosen from specified alternatives. The law does not specify that continued foster care be limited to a specified time period.

The state of Arizona has periodic court hearings which specify in law that permanency planning factors be considered by the court. The statute does not require that a decision be made on the future status of the child by a specified date. Arizona has recently passed a statute which permits severance of parental rights after the child has been in care either one or two years and the parents have been unwilling (one year) or unable (two years) to remedy the circumstances which caused the foster care placement despite diligent agency efforts to help.

The District of Columbia's statute specifies that a proceeding be held in which specified alternatives be considered by the court. The statute does not mandate that the court choose from among the alternatives. However, if a child has been in care for 3 years or has been in care for 18 months without a motion to terminate parental rights having been filed in the prior 12 months, the court shall determine why no such motion has been filed.

North Dakota has a statutory provision which provides that a foster care order issued at initial disposition expires at 18 months unless the court extends the order after a hearing. The agency must file a motion to extend the order or otherwise return the child home. The court, by law, is required to consider termination of parental rights for children under the age of ten who cannot be returned home at 18 months.

The state of Montana has court appointed review teams to conduct the dispositional hearings. The review teams have authority to make recommendations to the court but do not have the authority to issue binding decisions about the child's future status.

The results of The National Telephone Survey indicated that some level of judicial review was occurring in all states; however, the extent to which a dispositional hearing had been implemented to determine the future status of the child varied tremendously.

In almost all states the hearing was viewed as being focused on the development of a permanent plan for each child in care. In most states this approach stopped short of being a definite decision point at which a specific alternative was chosen. Rather it more closely resembled ensuring that there was some articulable and appropriate case plan goal at that time.

Generally, where there was a judicial or other foster care review system already established prior to passage of P.L. 96-272, it resembled a periodic review or often simply provided for extension of the foster care order for an additional year if the original purposes for foster care had not yet been fulfilled. In general, these existing laws did not require a decision at a specific point in time about the child's permanent home from among specified "permanent placement" alternatives nor did they specifically require or authorize the court to take steps to see that the decision was implemented by the agency. Many states are continuing to use these reviews as their dispositional hearings.

The statutory analysis of the case review statutes for the 50 states and District of Columbia indicated:

- Thirty eight states have statutes requiring a court review hearing within 18 months. However, only 17 of these states require by statute that the court must make a decision on the child's future status from among specified permanencey planning alternatives at or before eighteen months: Four other of the 38 states have statutes which list specified alternatives that the court may choose from.

- Ten states have statutes which require a "hearing" on motion from the agency, parent or legal counsel or at the court's discretion;

- Two states have statutes requiring proceedings before review boards or other court appointed bodies; and

- One state did not have any statutory basis for case review.

Public Law 96-272 has provided the mandate to ensure movement for children in foster care into permanent situations rather than allowing children to remain in care indefinitely. The dispositional hearing is one aspect of a larger system of case review priorities designed to achieve this goal. States are developing policies and procedures to implement these hearings into their systems, but the lack of consensus on a clearly defined purpose of the dispositional hearing as compared to other case review procedures must be reached if dispositional hearings are to achieve the desired outcome of permanent placement of children.

1. INTRODUCTION

This report is the fourth and final volume presenting results of the Phase II Comparative Study of Case Review Systems. The study is focused on implementation of the dispositional hearing component of P.L. 96-272. The first and third volumes of the study present results of a 50 state survey (Volume I) and analysis of applicable state statutes (Volume III). These volumes were designed to provide nationwide overview information on state status and response to the hearing requirements.

In addition to the National Study, a more in-depth study was conducted in eight selected states. Volume II has presented case studies of the hearings in these states. This volume (Volume IV) presents results of questionnaires administered to about 250 agency and court personnel in the states and the results of abstraction of 450 cases records of children having had dispositional hearings. Where possible in reporting survey results, comparisons are made to national study results. Because it is the final volume, the conclusion summarizes major findings from previous volumes and addresses issues raised in all phases of the study. Appendix C contains the executive summary of the National Study Report published in Volume I.

1.1 Study Background and Related Studies

In June of 1980, Congress passed the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-276). As stated in the proposed regulations of July 1982 the act had three major objectives:

1. Prevention of unnecessary separation of the child from parents.
2. Improved quality of care and service to children.
3. Permanency through reunification with parents, through adoption, or other permanency planning.

To further these goals, Section 427 of this act, "Foster Care Protection Required for Additional Payments," requires states which choose to participate in certain aspects of Federally funded foster care and child welfare programs state shall have done the following:

- Conducted an inventory of all children in foster care under responsibility of the state for six months and determined appropriateness of placement and services necessary to facilitate either return to parents or placement of the child for adoption or legal guardianship; and

- Implemented and have operating to the satisfaction of the Secretary:

  - A statewide foster care information system;
  - A case review system; and
  - A service program designed to help children either return to families or be placed for adoption or legal guardianship.

In section 475 of the law the "case revies system" is defined to mean a procedure for assuring that:

> "(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,
>
> "(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and
>
> "(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of dispositional hearing to be held, in a family or juvenile court or another court (including a tribal

court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change of the child's placement, and to any determination affecting visitation privileges of parents.

"(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

All states participating in the Federal foster care program must provide the first two elements of the case review system for all children who receive foster care funding under the Federal program. However, the third element (C), specifying the dispositional hearing and other "procedural safeguards" is required for states in three circumstances: (1) for states seeking additional funds by certifying compliance with all requirements including the disposition hearing; (2) for states seeking Federal reimbursement claims for voluntarily placed children; (3) for states wishing to transfer unneeded foster care funds from title IV-E to use in title IV-B. At the present time most states have claimed additional funding by certifying that they are in compliance with all elements including the dispositional hearing component. This study is focused on that component.

1.1.1 Dispositional Hearing Components

While this was not the first time review requirements have accompanied Federal funding legislation, P.L. 96-272 was the first time that court review and court dispositional hearings were required for additional funding.* As specified in law and regulation the dispositional hearing has several unique components.

- That an actual hearing be held (rather than paper review);
- That the hearing be under the jurisdiction of the court or a court appointed body;
- That the hearing take place within 18 months of original placement;
- That the hearing make a determination regarding the future status of the child with regard to return to parent, freeing for adoption, foster care for a specified time, or long term placement in care;
- That the states usual procedural safeguards be applied to the hearing;
- That a hearing be held "periodically thereafter" for children remaining in care; and
- That hearings be held for all children in care under the agency 18 months or longer.**

The 18 month dispositional hearing, as distinct from periodic judicial review of cases in foster care, was thus generally a new concept, not in use before 1980 except in a few cases.

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* Section 408 of the Social Security Act called for review of case plans for children under AFDC-Foster Care Programs, and past regulations for the IVB program required case plans which were to be reviewed periodically (Allen, Golubock and Olsen, 1983).

** Policy regulations have exempted children with permanent foster care agreements and children with unfinalized adoptive placement.

1.1.2 The Spread of Judicial Review in the 1970's and 1980's

While P.L. 96-272 was the first Federal legislation linking state agency additional funding to conducting dispositional hearings for all children in foster care, other forms of judicial review of foster care cases had developed during the 1970's and 1980's.

Presented below is a brief summary of the spread of judicial review of foster care in this time period. It is important to note that judicial review cannot be equated with holding dispositional hearings as defined by P.L. 96-272.

One of the first places to utilize periodic court review of foster care cases in the early 1970's was New York State. In 1971 the New York Social Services Law was amended to require that agencies charged with the responsibility of managing foster care cases periodically file a petition in the Family Court to review the status of any child voluntarily placed in foster care and remaining in such care for 24 months or longer. The 1971 provisions have since been expanded, so that today, all children who remain in care for 18 months must have hearings by the Family Court if the placement is to continue beyond the eighteenth month.

In 1972, the Kent County, Michigan, Juvenile Court established a model case review system in which judicial reviews were held annually. The results of this model project led to the passage of a National Council of Juvenile and Family Court Judges resolution in 1973 which encouraged courts to "act early and decisively on the disposition of children in placement."

In 1976 Claburn, Magura and Resnick conducted a survey of all states to determine the extent and types of foster care

review operating within the country. They obtained results from 47 states and the District of Columbia and Puerto Rico.

They found that seventy-five percent of the 16 states having reviews (full or limited) had been established since 1970 and 79 percent of the agency administrative reviews had been developed since 1974. In contrast 70 percent of the supervisory reviews had been created before 1970. At the time (1976) the study found 17 states with no reported court or agency periodic review. The study also found that court review and full agency review seemed to have developed as functional alternatives to each other, since there were no states with both full agency review and full court review (Claburn, Magura, Resnick, 1976:397). By 1978, when the Childrens Defense Fund conducted a similar study they found that 21 states had legally mandated court review (Childrens Defense Fund).

Between 1978 and 1980 there was a further increase in the number states utilizing some form of periodic judicial review. The Phase I study of case review systems found that when state representatives were asked in 1980 "whether judicial review of the cases of children in foster care is mandated in state statute and/or required by agency policy" only 15 states responded negatively. (JWK International Corporation, Comparative Study of State Case Review Systems, Task IV Report, 1982 Classification: 9-12). These results indicate that some form of limited judicial review of foster care placement had become operative in most states by 1980. It is important to note that judicial review cannot be equated with holding dispositional hearings by 18 months. In some states the agency was required to file a report on a periodic basis but no actual court hearings are mandated. In other states hearings were held only for certain children.

1.1.3 Results of the Westat/ABA National Survey

In the Spring of 1983 the 50 state telephone survey was conducted (see Volume I). This study differed from previous studies of judicial review because it was focused specifically on dispositional hearings as required by P.L. 96-272. This survey found that by 1983 all states but five indicated they had a formal policy or law of holding court hearings by the 18th month in care. The other five were in the process of developing such policy. However, at this time only 66 percent of states indicated they had the policy or law and that implementation had occurred for at least 80 percent of the children.

Seventy-five percent of states indicated they had changed law or policy to meet P.L 96-272 hearing requirements. Thirty-one states had legislation requiring court hearings within 18 months. Since the study was conducted at least three more have passed legislation. However, as indicated in the legislative analysis (see Volume III) a smaller percentage of these laws exactly track the P.L. 96-272 components.

1.1.4 Studies of the Impact of Judicial Foster Care Review

Because of the newness of the dispositional hearing additional funding requirements no studies have been done assessing the impact of holding this hearing. Studies have been done, however, attempting to assess the impact of judicial review of foster care.

These studies are limited by the occurrence during the same period of related events within the field of child welfare. The most frequently used outcome measures have been indicators such as length of time in care, number of children either freed for adoption or returned home, and the presence of clearly defined permanent placement goals in the case plans developed by the

agency. These indicators have also been influenced in the last ten years by other related factors such as the increased permanency planning training and orientation of child welfare workers, increased use of adoption subsidy, the decline in number of adoptable infants, making it hard to place children more adoptable, and agency budget cuts, all of which have significantly contributed to the decline nationwide in the length of time in care and the number of children in foster care. A few studies have attempted, however, to assess directly the impact of court review.

In a carefully designed study, Festinger researched the effects of the New York court review process on 235 cases of voluntary placement children in care. She concluded that judicial intervention had a favorable effect on case planning and that the review excelerated the movement of children out of foster care (Festinger, 1976:515).

In particular she found that the court review process had an immediate impact on an agency's development of case plan goals for children in foster care. Among her findings were:

- There was a steady decline in the number of cases having a goal of continued foster care or unclear goals (the total decreased from 71 to about 29 percent of cases);
- There was an increase in the number of cases having a case plan goal of discharge from foster care (from 14 to 26 percent); and
- There was an increase in the number of cases having a goal of adoption (from 15 to 46 percent).

The study also showed that in the cases of the children studied, judicial reviews increased the likelihood of actually achieving permanent placements for children who had been in care for more than 18 months.

The findings of the National Council of Juvenile and Family Court Judges Children in Placement Project similarly found that periodic judicial reviews of children in foster care was associated with an increased number of children returned home, an increased filing of adoption petitions and petitions to legally free children for adoption, and increases in the reunification of children and parents. (Davidson, Howard, 1981:61-9).

1.1.5 Summary and Implications for the Current Research

In summary, it can be noted that:

- The period between 1970 and 1980 had already seen a development of a variety of external mechanisms to monitor and review placement of children in foster care. By 1980, in a majority of states this involved some form of judicial periodic review. However, judicial review did not necessarily mean that dispositional hearings were held.

- Several states were also already utilizing other external review mechanisms such as citizen review boards and a majority of states had administrative review on a periodic basis. It was found that to a certain extent states having highly developed either administrative or citizen review made less use of judicial review (Claburn, Magura, Resnick, 1976).

- The early assessment literature cited here supports the belief that external review of foster care cases has had a favorable impact on management progress and outcome of cases. However, the occurrence of simultaneous change in related areas (not usually controlled for in the studies) makes it difficult to assess the impact of foster care review considered in isolation from other related factors.

1.2 Study Methodology

This section describes the methodology for the overall study with special focus on the in-depth eight state study component (see Volume I for National Study Methodology).

The overall study was conducted to address three major questions:

(1) What is the response of states to P.L. 96-272 to the newly require court dispositional hearings as specified in P.L. 96-272?

(2) How are dispositional hearings operating in the states?

(3) What are the advantages, problems and issues surrounding implementation of the hearings?

The aim of the study was to provide information useful to state agencies and courts on how the hearings are functioning. On a limited basis, primarily through analysis of hearing decisions, the issue of the case outcomes is also addressed.

1.2.1 The Study Context

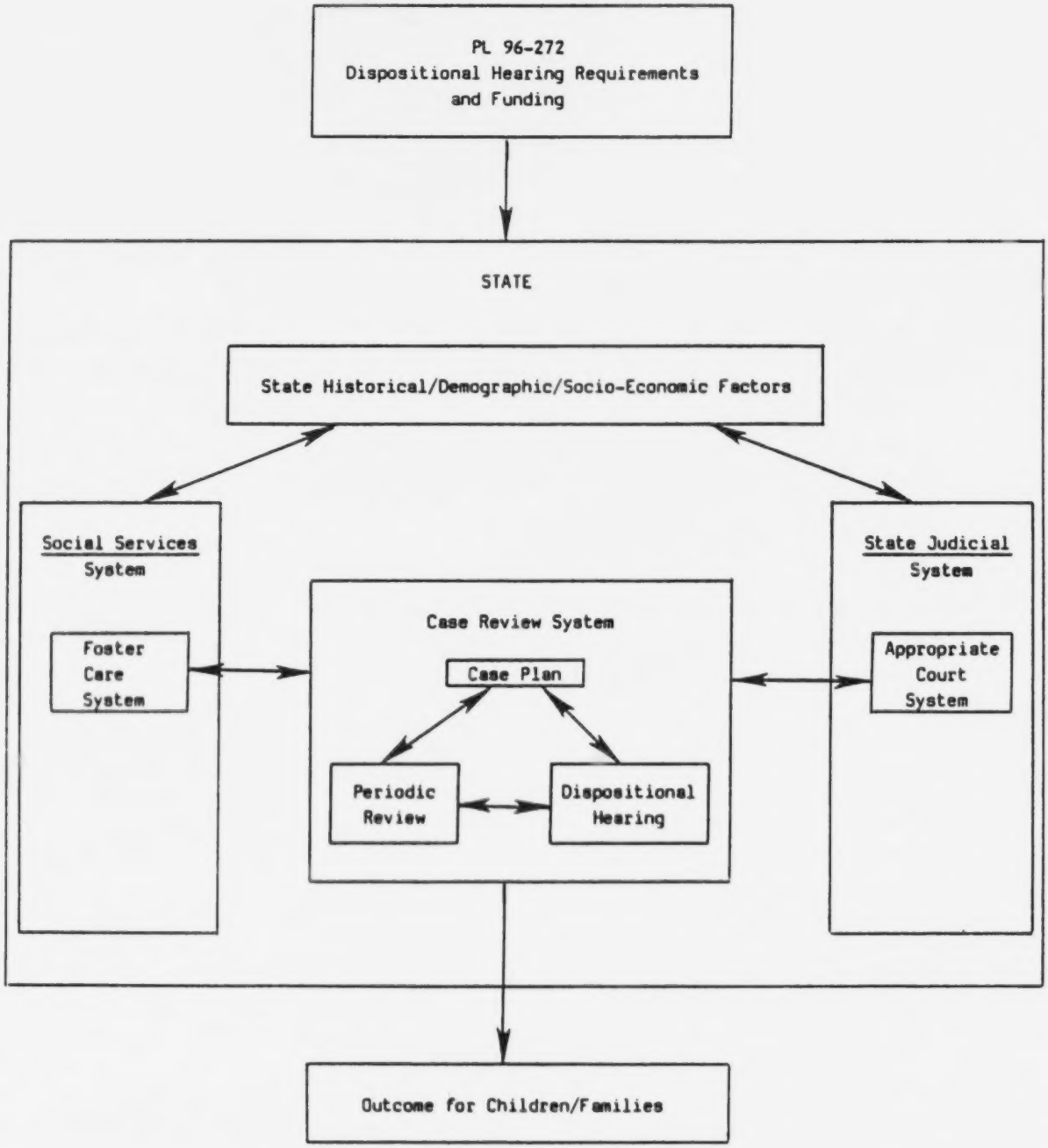
Any attempt to describe the functioning of the hearings within the states must take into account that the hearings occur within several related subsystems. Exhibit 1-1 graphically outlines these contexts.

The two state systems most involved are the state foster care and judicial systems. The dispositional hearing requirement is unique among the components of P.L. 96-272 because while the law is addressed to state agencies (by making certain funds available to them) the dispositional hearing requirement must ultimately be implemented by the judicial system.

1.2.2 The Study Parts

To address the study questions, a two-part study was conducted consisting of a national overview of the hearings in

Exhibit 1-1. Dispositional Hearing Context



fifty states and Washington, D.C., (reported in Volumes I and III) and an in-depth study of the hearings in eight selected sites (reported in Volumes II and IV). A special feature of both parts of the study was collection of parallel information and opinions from both the court and agency perspective.

1.2.3 The In-Depth State Study

This report focuses on results of the eight state study. The study sites were chosen according to the differentiation in their case review systems. Six of the eight sites had been selected by JWK during the Phase I study and the two additional sites (Washington, D.C. and Arizona) were chosen when states from Phase I were unable to participate.* The sites chosen, classified according to the type of case review systems operating in 1981, are as follows:

Exhibit 1-2. Participating states classified as to case review system

Judicial and Agency Administrative Review	Interdisciplinary Panels**	Citizen Review Board***	6 Month Judicial Review
Virginia San Francisco Co.	Montana North Dakota	South Carolina Arizona	Louisiana Washington,D.C.

Week-long site visits to the state office and three counties in each state were made by Westat and ABA study staff in February through April of 1983. The method of county selection

* Three states, New Jersey, Illinois and Vermont, were unable to participate.

** Interdisciplinary panels may include teams made up of social welfare, mental health, education professionals as well as citizens.

*** Arizona also had statewide judicial review.

was to stratify all counties based on size of foster care population into three groups (small, medium, large). One county from each size group was then randomly selected. Interviews were held with an average of 30 court and agency respondents per state. In addition, an average of 50 case records per state, of children having had hearings were abstracted. (Appendix D contains copies of data collection instruments used in the study.)

1.3 Characteristics of the States

As indicated in Section 1.2, the study states were initially selected to illustrate the differing types of case review sytems. However, as the following descriptions indicate, each state has had different problems to address and thus developed unique approaches to implementing case reviews and dispositional hearings.

The following presents an overview of how the eight study states had incorporated dispositional hearings into their case review systems by the time of our study. Since the time of our study two states, Louisiana and South Carolina, have passed new legislation providing for the hearings. Sites visited are grouped together according to the type of case review systems that were operating within the states at the time of the Phase I study.

Group 1 - Judicial and Agency Administrative Review: Virginia and San Francisco County

Both Virginia and San Francisco County were sites in which annual legally mandated court review had been operative prior to 1980, as well as agency administrative review. However, in Virginia, state statute did not specify that an actual hearing had to be held but only a court review. In response to P.L.

96-272, Virginia legislation was changed to mandate actual review hearings but the time frame was lengthened from 12 to 18 months. In addition, Virginia agency review was changed to include outside and parent participation and is now conducted in the form of a team conference review. Problems Virginia has faced include obtaining cooperation from judges to hold actual hearings for the backlog of historical cases in care before the new legislation. Within Virginia the hearings primarily currently function as a special review of the case plan and agency progress. The review is viewed as focused on permanency planning. With the exception of certain jurisdictions, participation of counsel in the hearings has not been frequent thus far for either the agency, parents or children.

Recently California law has been modified to mandate the court to conduct a permanency planning hearing to determine the future status of the child no later than 12 months after the child is placed in care (S.B. 14). The 12-month hearing is designated as a critical point at which an actual decision must be made as to whether the child will return home, be freed for adoption or have permanent foster care. The law outlines statutory standards and time frames for implementing the decision. The law also specifies that a periodic review must occur by the court or an administrative body every six months. Prior to P.L. 96-272 and passage of S.B. 14, children were reviewed in San Francisco County by the courts every six months. The review was a paper review unless there was a problem with the case. San Francisco County is in the process of bringing their semi-annual court review into compliance with the new state law. It entails modification of the notification, reporting and decision-making standards for the hearings. Agency and court personnel were concerned that they were faced with a new law which required difficult decisions about children and their families and no funding to develop the appropriate resources.

Group II - Interdisciplinary Panels: Montana and North Dakota

Prior to P.L. 96-272, Montana had quarterly administrative review but did not have mandated court review. In response to the Federal law Montana developed a system in which court appointed professional review teams conduct the periodic review and dispositional hearing. The court appointed review teams have the authority to make recommendations to the court but not binding decisions. Presently there is no requirement that the court actually review and/or act on the committee's recommendation. Hearings before a judge may be held if there is disagreement with the committee decision by the agency or parent; however, there is no mechanism to automatically trigger court action when there is disagreement.

Currently judges in some counties are beginning to conduct semi-annual reviews of court ordered placements. In these counties separate reviews are being conducted by the court and court appointed bodies, without coordination between the judges and review committees.

North Dakota also has a multi-disciplinary permanency planning committee, but this committee does not conduct the dispositional hearings. In response to P.L. 96-272, North Dakota law was changed from mandating court hearings at 24 months in order to continue custody, to requiring this hearing at 18 months. Statutory guidelines require specific consideration of termination of parental rights for children under the age of ten who cannot be returned home at 18 months. In practice the 18-month hearing is conducted to address whether to continue the child in foster care or not and may not result in a permanent decision on the child's future home.

Group III - Citizen Review Boards: Arizona and South Carolina

States within the third group have citizen review boards. Since 1974, South Carolina has had a legally mandated citizen review board reviewing all children in care every six months. With the exception of a few counties, South Carolina did not have judicial review of foster care prior to P.L. 96-272. In response to the law the agency has drafted policy requiring agency petition for court hearings by 18 months, and they are now in the process of implementation. In Spring of 1983, at the time of our site visit, legislation was pending to legally mandate court hearings. This legislation subsequently was enacted. Issues within South Carolina relate to the relationship between the citizen review boards and the court hearings and the necessity for full court hearings when all parties, the agency, parents, children, and citizen review board, are in agreement.

Arizona is a state that has had annual judicial hearings for a number of years. However, in order to provide more in-depth reviews, citizen review boards were also organized in the late 1970's. Arizona has not implemented changes in their court review process since the passage of P.L. 96-272. They are in the process of implementing a new internal administrative review procedure. Major issues of concern in Arizona have related to the extent to which the judicial hearings provide an actual decision on the future placement of children in foster care.

Group IV - 6 Month Judicial Review: Louisiana and Washington, D.C.

In 1981, when the JWK study was done, Louisiana and Washington, D.C. both had legally mandated court review at six months. Other agency reviews were not conducted on a planned basis.

Within Louisiana, while court reviews were mandated, this did not usually involve a court hearing. Only in certain urban jurisdictions were hearings routinely held. Actual court hearings on a statewide basis were in the planning stages at the time of our study. There was also a movement and legislation pending to establish citizen review boards. Judges interviewed in our study expressed caution toward the utilization of citizen review boards to conduct the "dispositional hearings." The agency wished to establish the boards only on a pilot study basis.

In the past year the agency had been implementing statewide team conferences to conduct periodic reviews. The team conferences involve a review in which the agency administrator, supervisors, caseworkers, outside professionals, parents, children and other interested parties participate.

Since the time of our study legislation passed in Louisiana providing for both citizen review and judicial dispositional hearings.

The District of Columbia has had legally mandated court foster care hearings since 1977. This typically involved one or more actual hearings by 18 months; although after two years in care a certain number of children at the judges discretion would thereafter only have ex-parte reviews. Issues in the District related to the court hearings have been the timeliness of agency reports to the court, the use of and adequacy of counsel and availability of needed services such as housing.

In addition, this review system requires every child in care to be reviewed, by a team of independent child welfare experts, six months from his/her entry into care and every six months thereafter. The team's decisions are binding, unless

appealed. Only children who have judicial reviews every six months or more often, are exempted from the Administrative Reviews. The dual system of reviews allows intervention and review of case plans for children to ensure permancy and reduce the length of time in foster care.

1.4 Characteristics of the Counties

Information was also collected on the similarities and differences of the implementation and functioning of hearings in three selected counties of each state. A description of these similarities and differences is provided in Volume 2, Structure and Operation of Dispositional Hearings in Selected States. Basically, the laws and policies regarding hearings are common statewide. However, the differences in implementation and functioning of hearings are determined by local policy interpretations. As the N's in each county were too small (especially for the court respondents) to analyze at the county level, our level of analysis for the agency and court personnel interviews and case record abstracts combined the responses of the counties in each state.

1.5 Structure of the Report

This is the final volume of the Comparative Study of State Case Review Systems Phase II - Dispositional Hearings. Volume 1 presented results of the National Telephone Survey. Volume II presented case studies of the eight study states; highlighting state laws and policies, implementation of the hearings and individual state issues. Volume III provided an analysis of the state statutes regarding case review and due process procedures.

While this volume focuses on the findings of the in-depth study of the eight study states, where applicable comparisons are made to the findings of the National Telephone Survey.

Chapters 2, 3 and 4 of this volume provide analysis of the in-person court and agency interviews with respect to personnel's:

- Orientation toward the hearing;
- Perceptions of Hearing Functioning; and
- Perceptions of Impact, Problems in Implementation and Recommendations

Chapters 5 and 6 provide an analysis of the case record abstracts. Specifically these chapters provide a description of the demographic and placement histories of the children as well as an analysis of the hearing decisions by child characteristics. Study conclusions are found in Chapter 7.

2. ORIENTATION TOWARD THE HEARINGS: THE SURVEY RESULTS

2.1 The Opinion Survey Results

The next three chapters report the results of questionnaires administered to the court and agency personnel in the counties visited in the study. The questionnaires were designed to gather information on the orientation toward and experiences with the hearings by those most responsible for the day to day implementation. Consistent with the attempt to obtain parallel information from the agency and court perspectives, similar forms were administered to personnel in both the courts and agencies in each of the counties visited. However, because there were only one or two judges responsible for the cases of many caseworkers, there is a large difference between the number of court respondents and the number of agency respondents. Procedures for selection and administration of the questionnaire also differed for court and agency respondents.

The sample of caseworkers was drawn on the basis of the cases having dispositional hearings which had been randomly selected for inclusion in the case record abstraction. Caseworkers and supervisors who had been involved in one or more of the cases selected to be abstracted were asked to self-administer the questionnaire. Typically the forms were completed in a group setting of 5 to 10 respondents. After the forms were completed the respondents were asked to discuss informally their experiences with the hearings for an additional period of time.

In the case of court personnel, an attempt was made to select those judges, lawyers and court laisons who had been most involved in the hearings. With the exception of large jurisdications in which rotation was practiced, usually there were only two to four juvenile or family court judges/referees involved in each

Table 2-1. Respondent characteristics for agency and court personnel

Agency Respondents (N=180)			Court Respondents (N=65)		
Position	**Percent**		**Position**	**Percent**	
Supervisory	22		Judge/referee/court administrator	62	
Caseworker	75		Court liaison/coordinator	14	
Agency Attorney	2		Attorney	24	
Other	2		Number of respondents	(63)	
Number of respondents	(175)				
Education	**Percent**		**Education**	**Percent**	
BA-BS	53		BA-BS	14	
MA-MS	44		MA-MS	5	
Ph. D.	1		Ph. D.	4	
LLB or JD	1		LLB or JD	77	
Number of respondents	(170)		Number of respondents	(57)	
Experience	**Mean**	**Median**	**Experience**	**Mean**	**Median**
Years in Agency	7.6	6.0	Years in Court	10.4	9.5
Years in Position	3.4	2.5	Years in Position	6.5	4.9
Years in Foster Care	5.4	3.6	Years in Foster Care	5.9	3.7
Number of respondents	(169-174)	(169-174)	Number of respondents	(35-57)	(35-57)

jurisdiction. Attempts were made to interview at least two judges in each site visited. Given the difficulty of arranging appointments with court personnel during the week long site visits, judges and lawyers were interviewed as available rather than by random selection. Survey forms were usually completed through in-person interviews but in a few cases the questionnaire was self-administrated.

Table 2-1 summarizes the position, education and years of experience of those interviewed. The average experience in foster care for those interviewed in both the court and agency was about 5 to 6 years.

Throughout the discussion to follow comparisons are made between court and agency personnel responses. However, in evaluating these responses consideration must be given to the large differences in the number of respondents and the way in which the respondents were selected. It should also be noted that caseworkers and supervisors were not interviewed in the National survey. Selected comparisons are also made between the responses obtained in this 8 state study and those obtained when similar questions were asked in the national study (see Vol. I for detailed presentation of national survey results).

2.2 Training for the Hearings

Group discussions during the site visits with both court and agency personnel indicated that both groups saw training and orientation as a key element in the successful implementation and on-going conduct of the hearings. Tables 2-2 and 2-3 present the frequency with which agency and court personnel reported having had training with regard to P.L. 96-272, permanency planning and the hearings themselves. These results indicate that less

Table 2-2. Training for permanency planning and implementation of P.L. 96-272 hearings: comparison agency and legal/court perspective

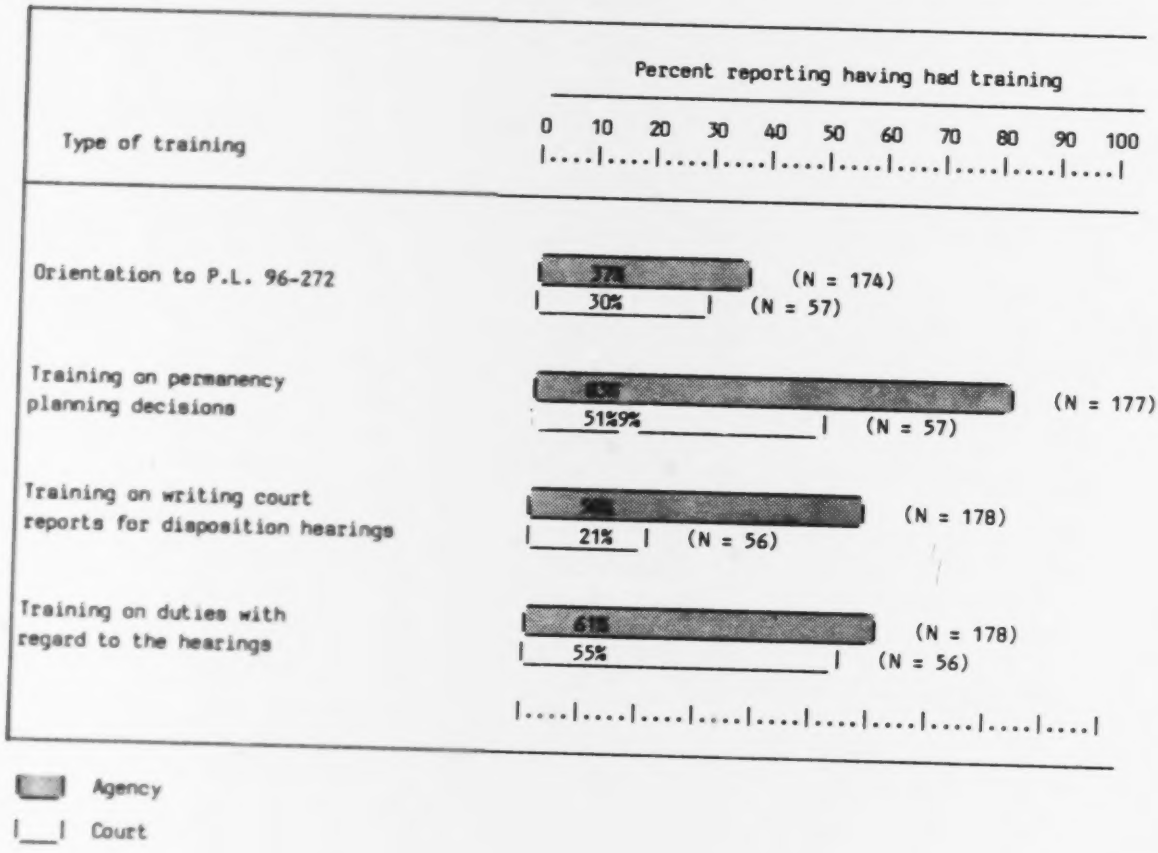
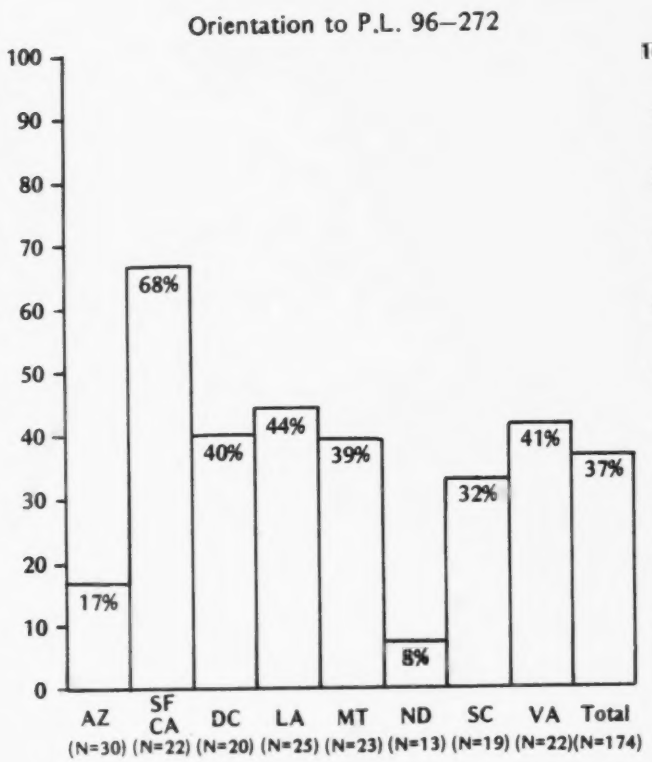
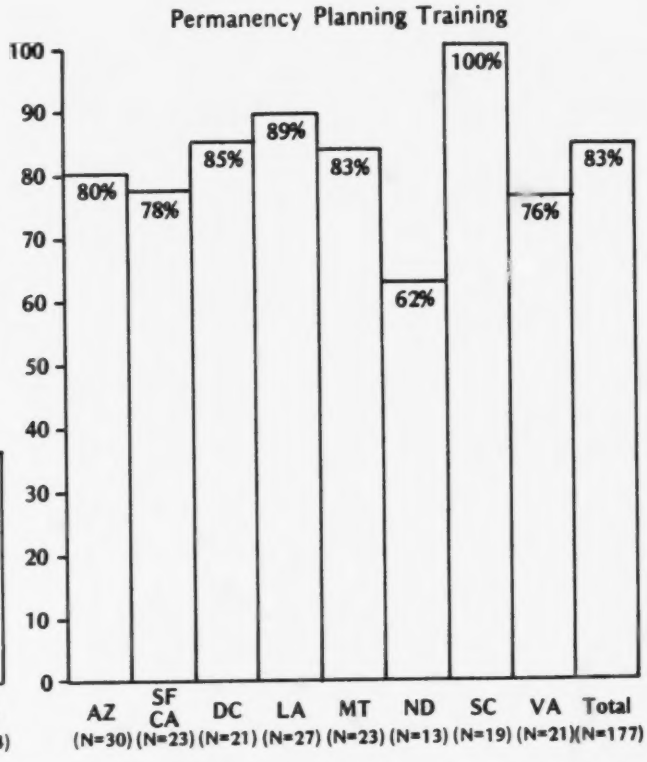
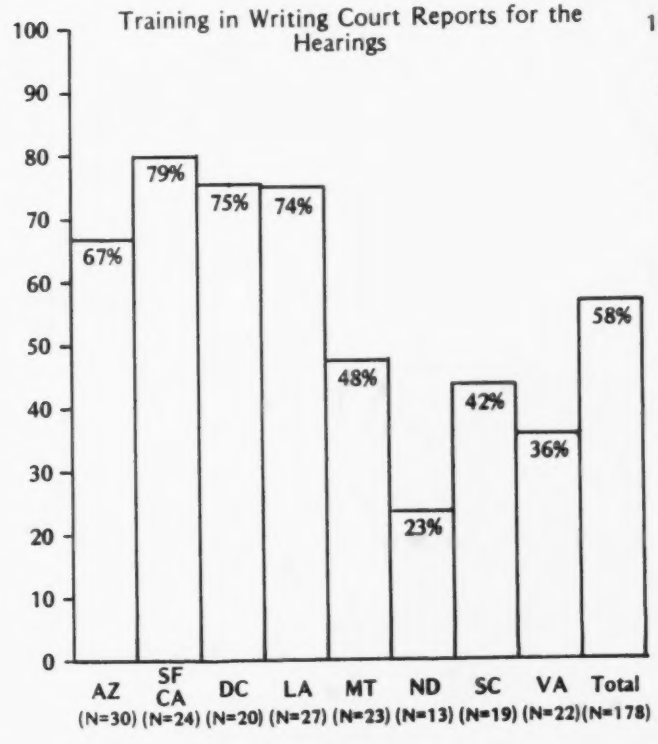
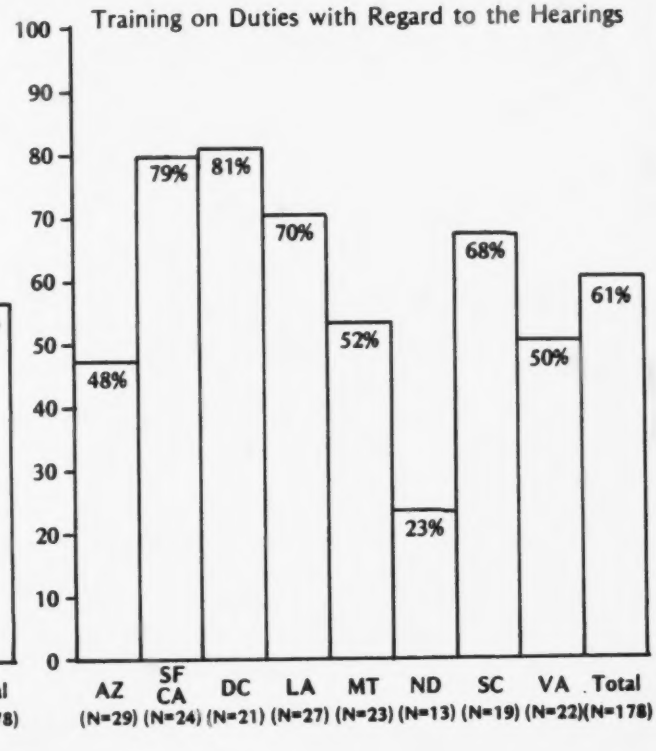


Table 2-3. Training for permanency planning and implementation of P.S. 96-272 hearings: agency response, comparison by state.









than a third of the judges and lawyers interviewed indicated they had had any orientation to P.L. 96-272 and only slightly more than one half responded to having had training on their duties with regard to the hearings. Similarly only 51 percent of judges and lawyers reported having had training in permanency planning decisions for children in foster care.

Agency respondents much more frequently reported having training in permanency planning (83 percent reported training). This was significantly related to years of experience. While 65 percent of those with one year or less reported permanency planning training, those with four or more years reported the training in 92 percent of the cases (data not shown). While permanency planning training was very common for agency staff, orientation to P.L. 96-272 or training on duties with regard to the hearings had taken place much less frequently (37 and 61 percent, respectively).

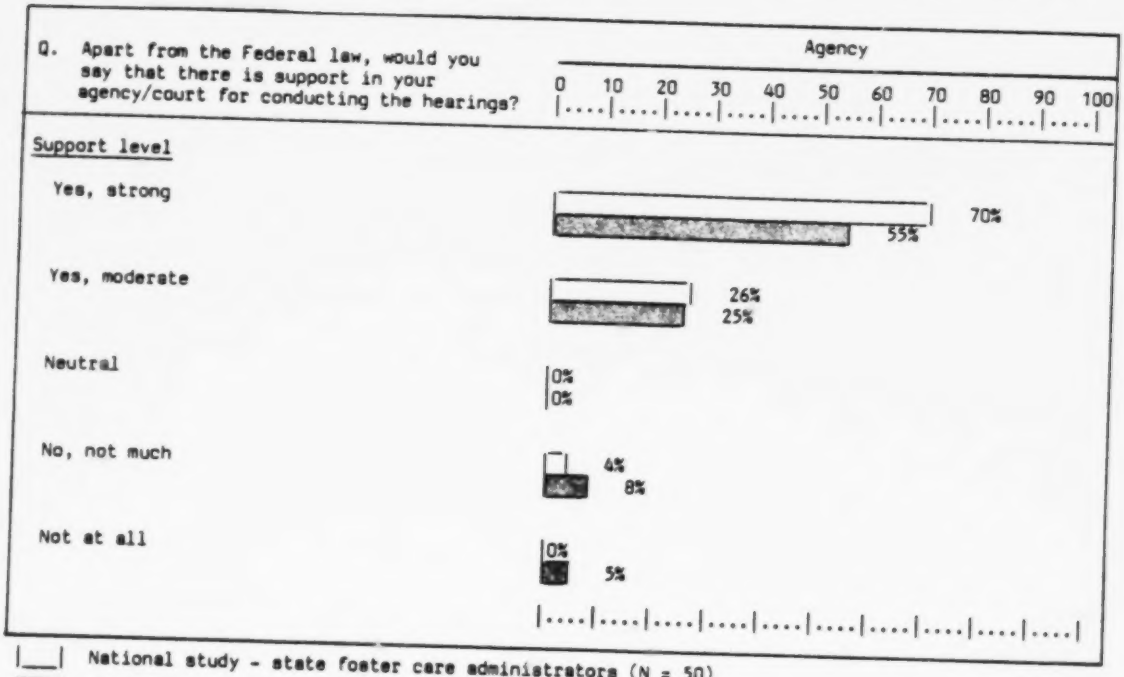
States varied somewhat in the percent of agency staff reporting training. Respondents having had orientation to P.L. 96-272 ranged from 68 percent in San Francisco County to 17 percent in Arizona and 8 percent in North Dakota. There was somewhat less state variation in the percent of agency staff having had training in permanency planning. This ranged from 100 percent in South Carolina to 62 percent in North Dakota (Table 2-3).

These findings on the prevalency of training are consistent with the fact that one of the most frequently cited needs with regard to the hearings was increased level of training of judges and agency personnel. As the results indicate, agency personnel usually stated they had training in permanency planning, but much fewer stated they had training with regard to the hearings. Judges and other court personnel needed increased training both in permanency planning and the role of the hearings.

Table 2-4. Support for the hearings: comparison agency and court responses by state

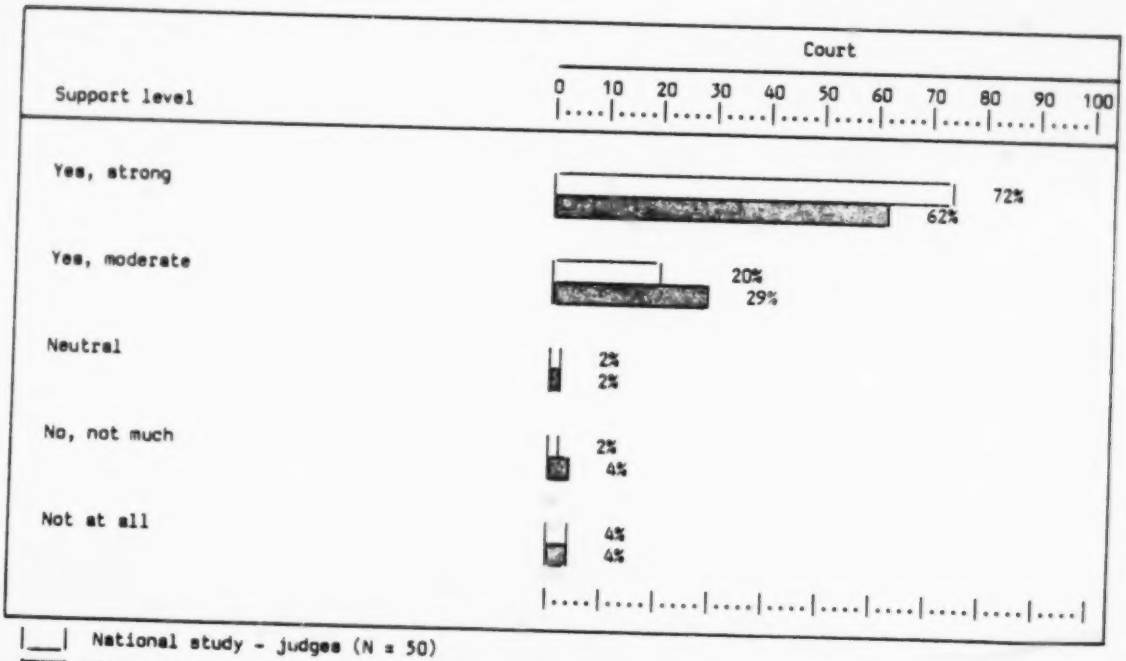
	PERCENTAGE DISTRIBUTION																	
Q. Apart from the Federal law, would you say there is support in your agency/ court for conducting regularly scheduled dispositional hearings?	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Yes, strong	55	93	73	62	44	50	69	5	29	62	86	100	40	73	75	71	14	25
Yes, moderate	25	7	9	33	37	27	8	32	48	29	14	0	60	27	13	29	43	50
Neutral	8	0	9	5	11	5	8	5	19	2	0	0	0	0	0	0	0	25
Not much	8	0	9	0	4	14	15	26	5	4	0	0	0	0	0	0	29	0
Not at all	5	0	0	0	4	5	0	32	0	4	0	0	0	0	13	0	14	0
Number of respondents	(174)	(29)	(22)	(21)	(27)	(22)	(13)	(19)	(21)	(52)	(7)	(3)	(5)	(11)	(8)	(7)	(7)	(4)

Table 2-5. Support for holding the hearings: comparison national study responses with eight state study responses for agency and court



National study - state foster care administrators (N = 50)

Eight state study - case workers and supervisors (N = 174)



National study - judges (N = 50)

Eight state study - judges and court personnel (N = 52)

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2.3 Support for the Hearings

In an effort to ascertain the level of support for the hearings, agency and court respondents were asked whether, apart from the Federal law, they thought there was support for the hearings in their agency or court. Summaries of responses to this question are presented in Tables 2-4 and 2-5. Eighty percent of the agency personnel and 87 percent of those working at the courts stated they thought there was high or moderate support for the hearings in their agency or court, respectively. This was slightly less than the level expressed by the state level foster care administrators and judges in the national overview study in which 96 percent of the agency respondents and 92 percent of the judges expressed support (See Table 2-5). These responses, however, indicate that the agency and court personnel to whom we spoke usually supported the concept of holding the hearings, even if the implementation of the hearings was problematic.

Perceptions of support for the hearings varied significantly by state with high levels of support most frequently present in Arizona, where hearings has been occurring for at least 12 years, and least frequently perceived present in South Carolina, where new legislation was needed to initiate the hearings statewide (Table 2-4).

2.4 Agreement With Components of P.L. 96-272

To further gauge attitudes toward the hearings, respondents were asked whether they personally agreed with seven hearing related provisions of P.L. 96-272. If they disagreed with one or more component they were then asked to indicate the reason. Tables 2-6 to 2-10 present responses to these questions on the 8 states and make comparisons to the National overview results.

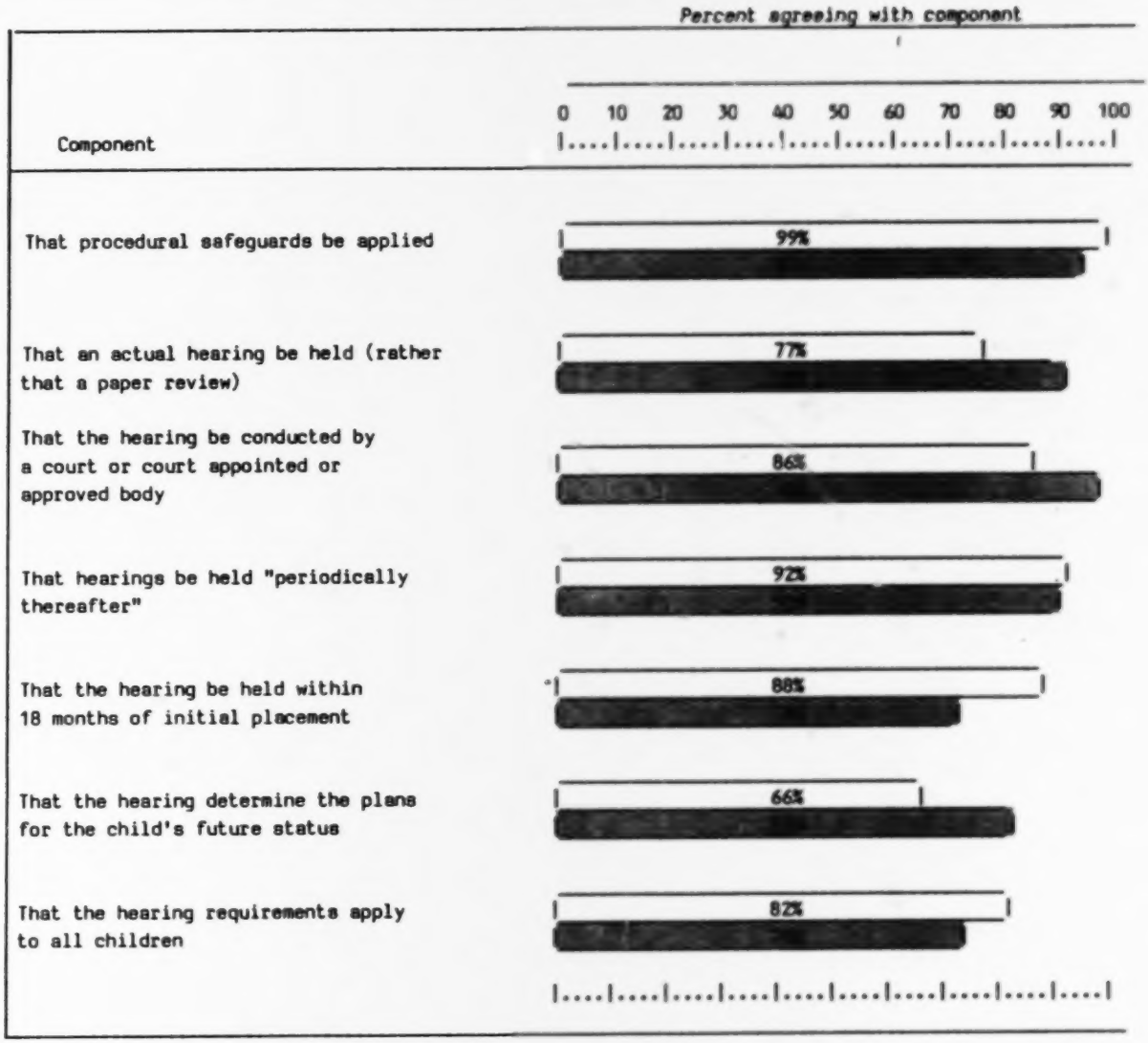
Consistent with the support expressed for the hearings, a large majority of both court and agency respondents on the 8

Table 2-6. Agreement with P.L. 96-272 dispositional hearing components: comparison agency and court by state

Q. Do you agree or disagree with each of the following dispositional hearing elements as set forth in dispositional hearings?	PERCENT AGREEING WITH EACH COMPONENT																
	Agency									Court							
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
That procedural safeguards be applied	99	100	100	100	100	100	100	100	95	95	100	100	100	100	71	100	86	100
That an actual hearing be held (rather than a paper review)	81	97	62	70	78	80	100	90	71	92	100	100	100	100	86	100	86	67
That the hearing be conducted by a court or court appointed or approved body	91	90	95	91	96	80	92	95	91	98	100	100	86	100	100	100	100	100
That hearings be held "periodically thereafter"	92	97	100	95	96	90	100	100	57	91	100	100	100	82	86	100	86	88
That the hearing be held within 18 months of initial placement	88	73	91	86	89	95	100	95	91	73	50	100	57	91	57	100	71	68
That the hearing determine the plans for the child's future status	66	87	75	62	67	20	69	58	76	83	88	100	86	100	43	71	86	89
That the hearing requirements apply to all children	82	86	86	91	82	90	92	68	60	82	50	100	67	100	71	86	57	68
Composite average of items above	86	90	87	85	87	79	93	87	77	88	84	100	85	96	73	94	82	83
Number of respondents*	(169-172)	(29-30)	(19-21)	(20-21)	(27)	(20)	(12-13)	(18-19)	(20-21)	(58-59)	(8)	(3)	(6-7)	(11)	(7)	(7)	(7)	(8-9)

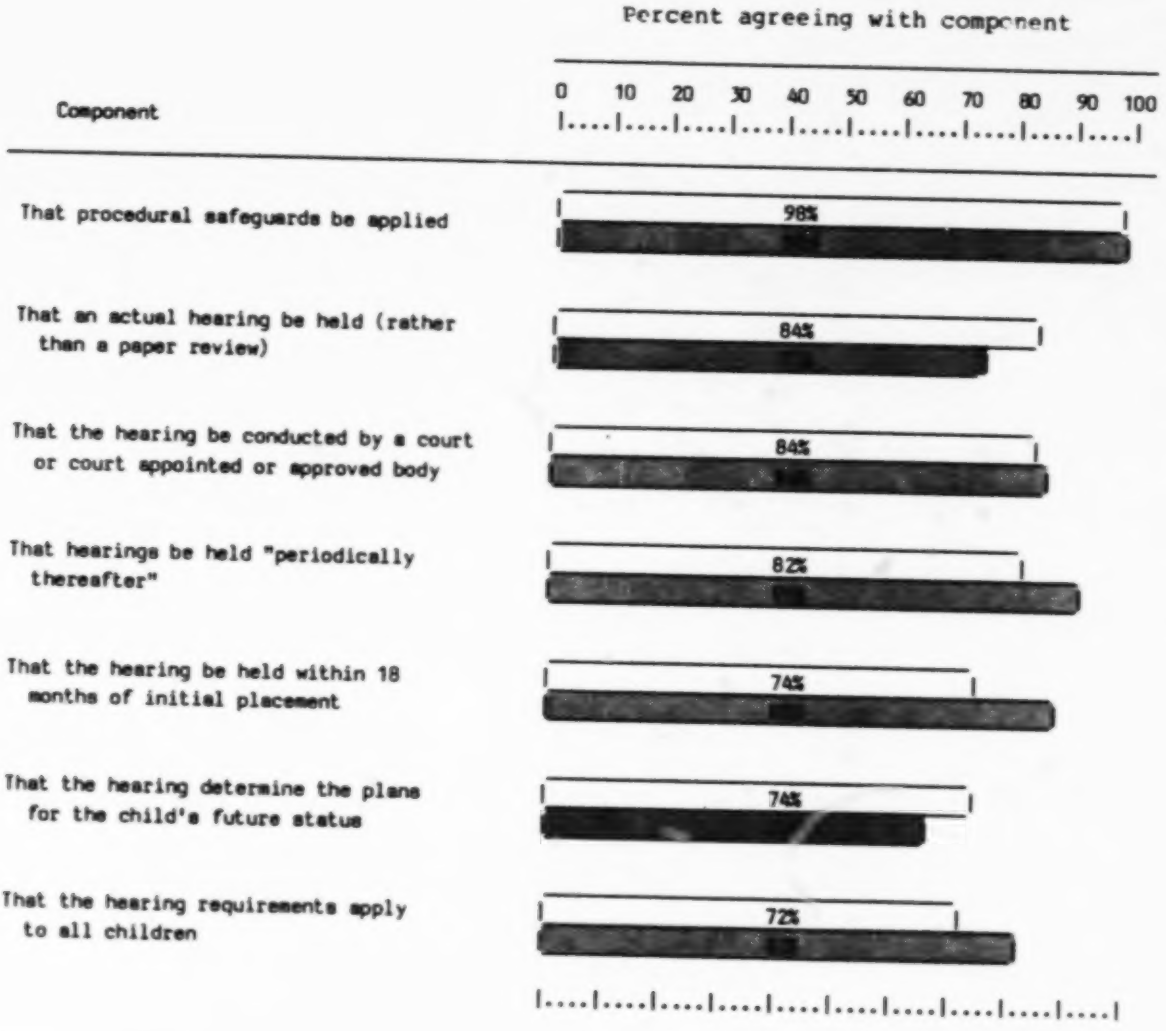
*N varies slightly due to item nonresponses.

Table 2-7. Percent of respondents agreeing with each component of the P.L. 96-272 dispositional hearing components: comparison agency and court responses, eight state study


Percent agreeing with component
0 10 20 30 40 50 60 70 80 90 100
Component
That procedural safeguards be applied
99%
That an actual hearing be held (rather that a paper review)
77%
That the hearing be conducted by a court or court appointed or approved body
86%
That hearings be held "periodically thereafter"
92%
That the hearing be held within 18 months of initial placement
88%
That the hearing determine the plans for the child's future status
66%
That the hearing requirements apply to all children
82%
Agency (N = 170-2)*
Court (N = 58-59)*

*Number varies slightly due to item nonresponse.

Table 2-8. Percent of respondents agreeing with each component of the P.L. 96-272 dispositional hearing components: comparison national agency administrators and eight state agency caseworker and supervisor responses

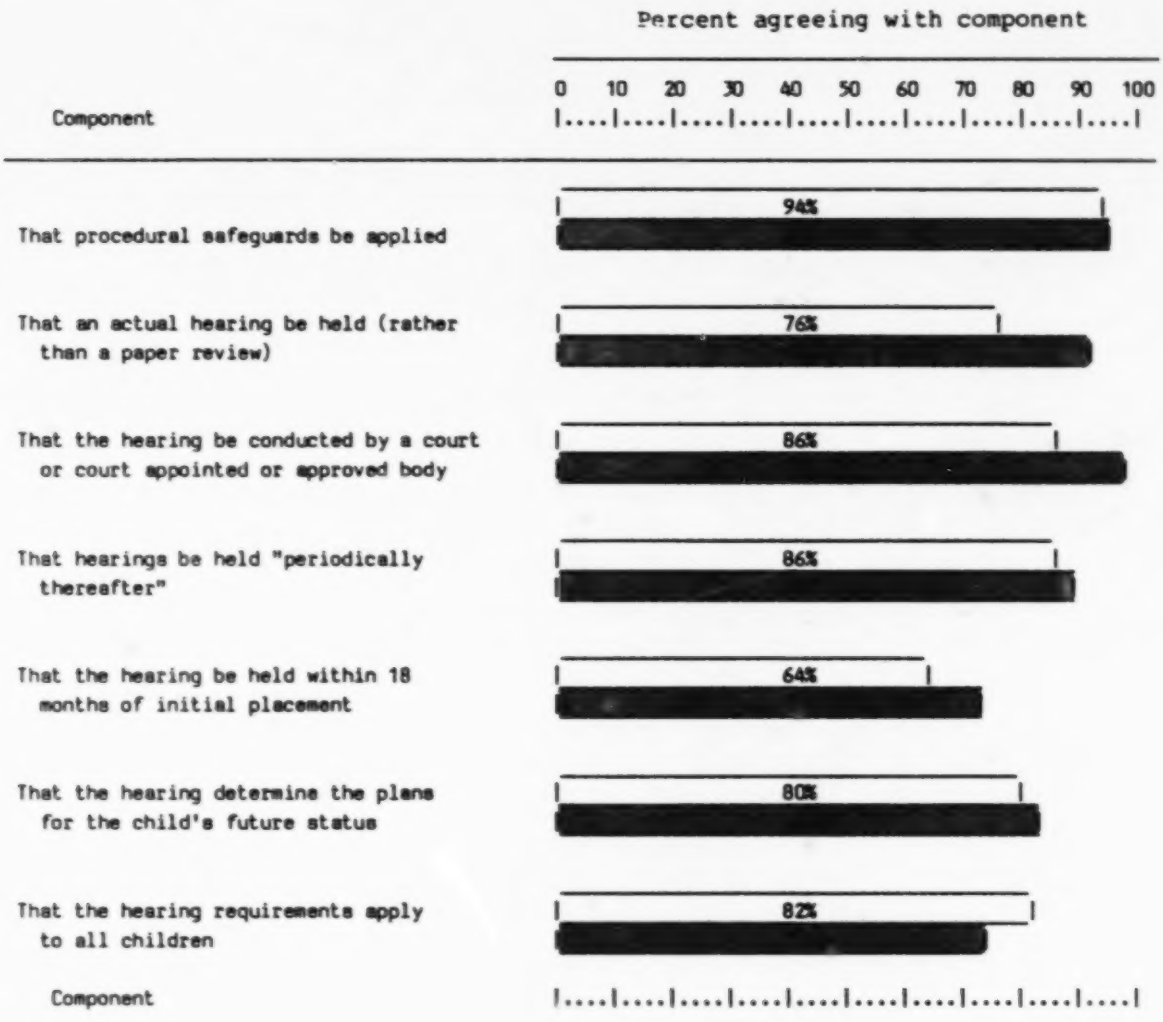

Percent agreeing with component
0 10 20 30 40 50 60 70 80 90 100
Component
That procedural safeguards be applied
98%
That an actual hearing be held (rather than a paper review)
84%
That the hearing be conducted by a court or court appointed or approved body
84%
That hearings be held "periodically thereafter"
82%
That the hearing be held within 18 months of initial placement
74%
That the hearing determine the plans for the child's future status
74%
That the hearing requirements apply to all children
72%

|___| National study agency administrators (N=50)

Eight state agency caseworkers and supervisors (N = 172-170)

*Number of respondents varies slightly due to item nonresponse.

Table 2-9. Percent of respondents agreeing with each component of the P.L. 96-272 dispositional hearing components: comparison national study judges and eight state judges and involved lawyers


Percent agreeing with component
0 10 20 30 40 50 60 70 80 90 100
Component
That procedural safeguards be applied
94%
That an actual hearing be held (rather than a paper review)
76%
That the hearing be conducted by a court or court appointed or approved body
86%
That hearings be held "periodically thereafter"
86%
That the hearing be held within 18 months of initial placement
64%
That the hearing determine the plans for the child's future status
80%
That the hearing requirements apply to all children
82%
Component

|___| National study judges (N=50)

|▓▓▓| Eight state study judges and lawyers (N=58-59)

*Number of respondents varies slightly due to item nonresponse.

state study expressed agreement with each of the provisions. The composite average agreement for the 7 components was 86 percent and for the agency and 88 percent for the courts. This compares to 81 percent composite agreement for both agency and court on the National overview study.

While agreement levels were generally high overall for 8 state study respondents there were certain provisions about which 20 to 30 percent disagreed. The provision least frequently agreeable to agency respondents was that the hearings determine the plans for the child's future status. Forty-four percent of agency respondents expressed disagreement with this component. When asked the reason for disagreement, the response was most frequently that the agency rather than the court should determine the plan. Disagreement with this provision was especially frequent in Montana. This was the only study state in which a court appointed body rather than the court itself conducted the hearings. These responses raise two questions: 1) What should be the role of the court appointed bodies given the fact that their authority as usually practiced is very limited? and 2) What should be the role of the agency and court, respectively, in determining the status and plan for the child?

That component least frequently agreeable to the court personnel interviewed was that the hearing be held within 18 months of care, with 73 percent agreeing. Most of those disagreeing stated that 18 months was usually too long to wait for the hearing and they feared that although the 18 months was meant to be an outer limit it would in fact become the norm.

About 20 percent of both court and agency respondents disagreed with the component that the hearing requirements apply to <u>all</u> children in foster care under agency supervision. Disagreement with this component was most frequent among court personnel in South Carolina and Arizona, the two states in our study in which there are statewide citizen review boards (43 and 50 percent,

Table 2-10. Reasons given for disagreement with one or more components: comparison court and agency response.

Reason for Disagreement	Agency		Court	
	Number of times mentioned	Percent of those disagreeing who mentioned	Number of times mentioned	Percent of those disagreeing who mentioned
Court should not determine permanent plan	(35)	37	(5)	17
Actual hearing is not always necessary: review would suffice	(26)	28	(7)	24
Time should be flexible/ need determine	(20)	21	(4)	14
Court review unnecessary when all parties agree	(14)	15	(2)	7
18 months is too long too wait	(13)	14	(18)	62
Hearings should be by court only not by appointed or approved body	(5)	5	(1)	3
Some due process requirements unnecessary	(4)	4	(0)	
Should have optional non-judicial review	(3)	3	(3)	10
Some cases exempted	(1)	1	(2)	7
Total number giving reason for disagreement	(94)		(29)	

respectively, expressed disagreement). The opinion was expressed that in certain cases, especially those in which all parties are in agreement, a hearing may not be necessary and a review would suffice (Table 2-10). Recently passed legislation in South Carolina allows for this option.

About 10 percent of agency respondents disagreed that the dispositional hearing should be by a court or court appointed body. However, they did so for diverse reasons. About half of these objected to allowing a court appointed or approved body conduct the hearings because they thought that the hearings should only be held only by the court. Others objecting to this component did so because they thought there should be an optional non-judicial review (Table 2-10).

2.5 Exemptions to the Hearings

The language of P.L. 96-272 states that all children must have had a dispositional hearing by their 18th month in care and periodically thereafter. Subsequent policy decisions have, however, allowed the exception of certain permanent foster care cases in which formal agreements with foster parents have been enacted and sanctioned by the court. Cases in which unfinalized adoptive placement has occurred have also been excluded, and it has been ruled that termination hearings can be considered to meet any dispositional hearing requirement. However, a policy decision was made that children for whom parental rights have been terminated but no adoption has occurred must continue to receive the protection of the dispositional hearings.

Agency and court respondents were asked which categories of cases they thought should be exempted from the hearings. Table 2-11 summarize these results. Consistent with the policy decisions cited above, both court and agency respondents frequently

Table 2-11. Beliefs concerning who should be exempted from the hearings: comparison agency and court responses by state

	PERCENT REPORTING SHOULD BE EXEMPTED																	
Q. Do you believe any of the types of cases listed below should be exempted from the dispositional hearing process:	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Cases in which adoption proceedings have been initiated	34	79	39	47	32	15	8	0	15	21	50	0	17	20	37	0	17	22
Cases where parental rights have already been terminated	26	10	37	5	46	17	23	29	40	21	0	0	29	0	13	29	57	38
Permanent long-term foster care cases	37	11	25	25	54	47	9	37	77	18	0	0	0	9	25	29	29	33
Voluntary placement	41	14	30	50	79	32	42	42	41	21	0	0	0	27	25	14	14	56
Cases of children placed with relatives	63	45	37	45	89	65	58	63	96	44	0	0	17	36	38	67	86	67
Cases in which proceedings to terminate parental rights are under way	28	33	11	28	36	28	7	32	35	22	0	0	0	9	25	29	33	56
Composite average of items listed above	38	32	30	33	56	34	25	34	51	28	8	0	11	17	27	28	39	45
Number of respondents*	(152-169)	(27-31)	(18-20)	(18-20)	(24-(26)	(18-(22)	(11-12)	(17-(19)	(17-22)	(52-56)	(4-6)	(3)	(5-7)	(10-11)	(7-8)	(6-7)	(6-7)	(8-9)

*N varies slightly due to item nonresponses.

indicated that those cases in which adoption proceedings had been initiated should be excluded. Sixty-three percent of the agency respondents and 44 percent of the court respondents stated they thought these categories should be exempted. Also consistent with the policy rulings a large number (37 percent) of agency respondents stated that special permanent long term foster care cases should be exempted.

In contrast to the policy decision to include children whose parental rights have been terminated in the hearings, 41 percent of agency respondents and 21 percent of judges and other court personnel advocated that children whose parental rights have been terminated be excluded from the hearings. This perspective is related to the view point which sees the hearings primarily in the role of examining issues related to parental custody. If these issues have been "resolved" then the court role is seen to be diminished. Indeed, in some states the courts' jurisdiction is ended when parental rights are terminated, leaving permanent custody with the agency. Recent appeals of certification decisions in certain states have dealt with this issue. Arguments in favor of including this group include the fact that, until adopted these children are in special need of attention. This attention should ensure that, now that legal ties to their parents have been severed, there is every continued effort to secure the best possible permanent home for the child.

Overall the agency more frequently advocated that certain categories be excluded than did the courts. The composite average percent across all categories listed was 38 percent for the agency and 28 percent for the courts.

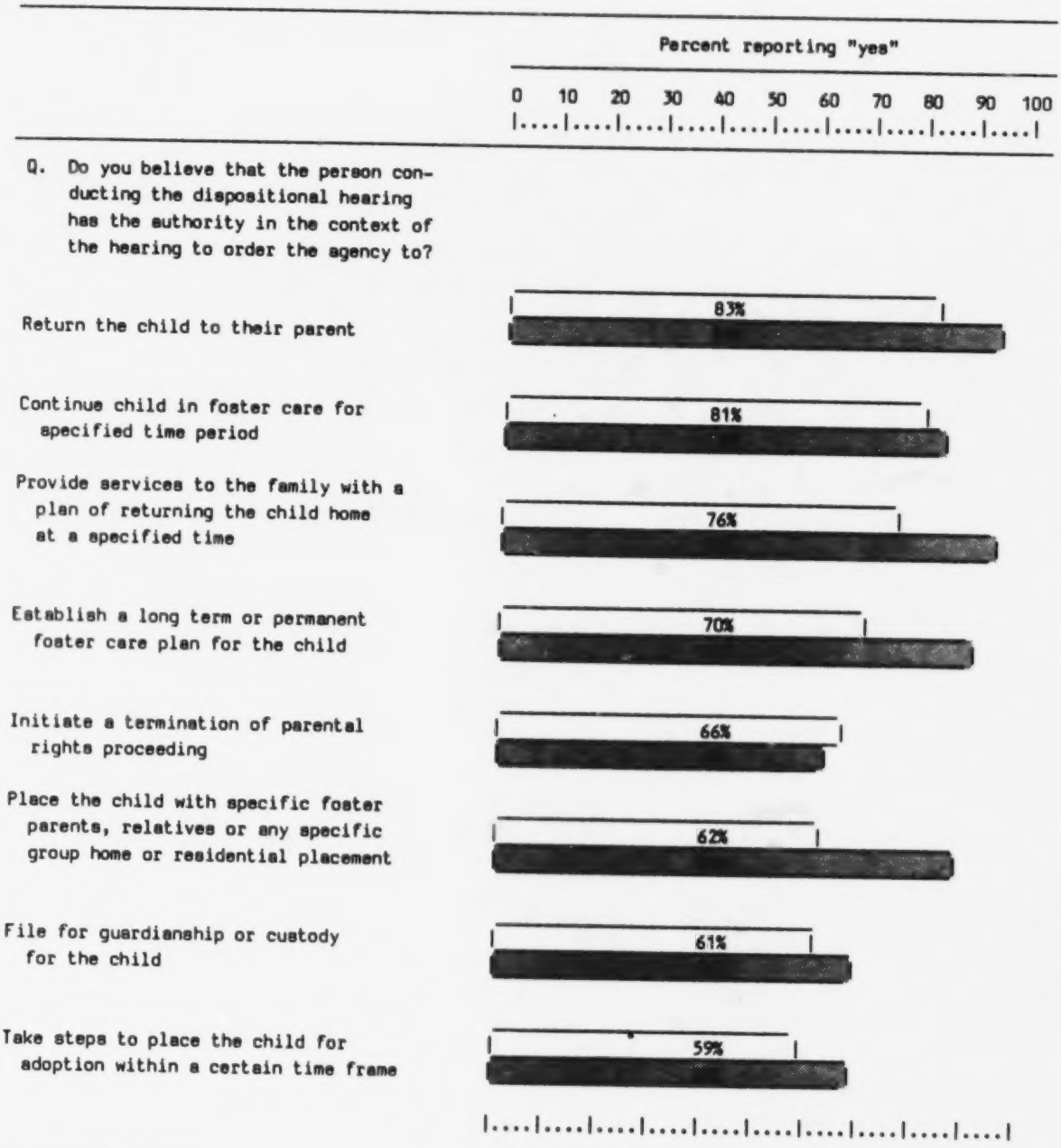
2.6 Perceptions of the Authority of the Decision Maker at the Hearings

One factor of crucial importance in understanding the hearings that are being held is the fact that the dispositional

hearings as specified in P.L. 96-272 are being implemented within the context of the ongoing system of court authority and decision making in which traditionally the issue of parental custody has been and remains central. Indeed, if a hearing related to returning a child home or termination occurs it is of course a "dispositional" hearing. However, in those cases in which a change in status is not being advocated by the agency or parents, questions arise as to whether the judge or other person conducting the hearing has the authority to order certain agency actions. These orders might require the filing of termination proceedings, adoptive placement, or specific services or placements. Judges, of course, will not issue orders they do not believe they have authority to issue. In order to further explore perceptions of authority of the hearings respondents were asked whether they believed the person conducting the hearing had the authority to order certain actions. Tables 2-12 and 2-13 summarize these results for court and agency respondents.

Overall a majority of both court and agency respondents perceived that the person conducting the hearing had the authority to order all of the actions listed. However, there were notable state variations and for some of the items up to 40 percent of respondents stated they believed the court did not have the authority to order the action specified. More than 30 percent of both agency and court respondents did not believe the person conducting the hearing had the authority to order the agency to initiate termination proceedings, to file for guardianship of the child or to take steps to place the child for adoption within a certain time frame. Of the actions listed, court respondents were least likely to state they believed the person conducting the hearing had the authority to order the agency to file for termination (32 percent did not think they had this authority).

Table 2-12. Perceptions of authority of person conducting the hearings: comparison agency and court responses


Percent reporting "yes"
0 10 20 30 40 50 60 70 80 90 100
Q. Do you believe that the person conducting the dispositional hearing has the authority in the context of the hearing to order the agency to?
Return the child to their parent
83%
Continue child in foster care for specified time period
81%
Provide services to the family with a plan of returning the child home at a specified time
76%
Establish a long term or permanent foster care plan for the child
70%
Initiate a termination of parental rights proceeding
66%
Place the child with specific foster parents, relatives or any specific group home or residential placement
62%
File for guardianship or custody for the child
61%
Take steps to place the child for adoption within a certain time frame
59%
Agency (N=176-178)*
Court (N=52-59)*

*Number of respondents varies slightly due to item nonresponse.

Table 2-13. Perceptions of authority of person conducting the hearings: comparison agency and court responses by state

Q. Do you believe that the person conducting the dispositional hearing has the authority in the context of the hearing to order the agency to:	PERCENT REPORTING "YES"																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Return the child to their parent	83	100	96	91	93	05	77	100	96	97	100	100	100	100	78	100	100	100
Continue child in foster care for specified time period	81	97	87	91	82	18	69	100	96	85	57	100	100	100	78	83	100	67
Provide services to the family with a plan of returning the child home at a specified time	76	90	87	86	85	32	54	84	77	97	100	100	100	100	78	100	100	100
Established a long term or permanent foster care plan for the child	70	87	87	71	59	41	54	74	73	91	100	100	33	100	89	100	100	100
Initiate a termination of parental rights proceeding	66	67	70	100	67	0	62	84	82	63	33	100	20	64	75	100	57	57
Place the child with specific foster parents, relatives, or any specific group home or residential placement	62	90	78	85	48	18	46	79	36	88	100	100	100	91	78	100	86	67
File for guardianship or custody for the child	61	70	76	71	74	14	42	74	57	69	83	67	25	82	67	50	84	71
Take steps to place the child for adoption within a certain time frame	59	61	67	81	52	23	62	74	55	69	57	100	86	70	67	100	100	71
Average	70	83	81	85	70	19	58	84	72	82	79	96	71	88	76	92	91	79
Total number of respondents*	(176-178)	(30-31)	(21-23)	(20-21)	(27)	(22)	(12-13)	(19)	(21-22)	(52-61)	(6-7)	(2-3)	(4-7)	(10-11)	(8-9)	(5-7)	(6-7)	(7-10)

*N varies slightly due to item nonresponses.

One issue that has involved legal cases between the agency and the courts is that of court ordering the agency to make a specific placement. In certain states such as Virginia and Louisiana this has been an especially debated issue and agency respondents much less frequently stated they thought the court had this authority. Overall 62 percent of agency and 88 percent of court respondents stated they believed the person conducting the hearings had this authority.

Unlike the responses to the national study in which judges were somewhat less likely to believe they had authority to do certain of the actions, within the 8 state study court respondents somewhat more frequently perceived themselves as having authority than did agency respondents (see Volume I; Chapter 6). For the 8 state study the composite average for the 8 items for the courts was 82 percent and for the agency 70 percent. Respondents were most in agreement that the person(s) conducting the hearings had the authority to order the agency to return the child home (97 percent of the court and 83 percent of agency respondents).

A fact dramatically illustrated by responses to this question is that court appointed bodies who conduct the hearings are perceived to have (and in fact have) much less authority than those conducted by the courts themselves. As can be seen from Table 2-13, respondents in Montana (the only state in the study utilizing a court body) perceived the person conducting the hearing to have little authority to order the agency to do any of the specified options. For example, none of the agency respondents thought the person conducting the hearings could order the agency to initiate termination of parental rights proceedings and only 5 percent stated the person had authority to order return of the child home. In this state there was no item listed for which a majority of respondents believed the person(s) conducting the hearings had authority to order agency

action. These results were expected, but they reflect the fact that hearings conducted by these bodies are far different from a hearing in which the outcomes may be much more definitive.

Hearings by a court appointed or court approved body may be very useful in arriving at the best recommendation, and may enable there to be more attention placed on each case, however, unless they are given the authority of the court to make binding decisions they stop short of being able to perform as "dispositional hearings" vis a vis the child's status.

3. PERCEPTIONS OF HEARING FUNCTIONING: THE OPINION SURVEY RESULTS

This chapter presents respondent perceptions of changes in the use of courts in the case review process in their counties since 1980 and on perceptions of characteristics of the dispositional hearings as they are currently functioning.

3.1 Perceptions of Change Since 1980

Respondents were asked a series of questions concerning the changes in their county/state with regard to the hearings and actions surrounding the hearings. Tables 3-1 and 3-2 present the results of these questions. The aims of the questions were twofold: 1) to gain some knowledge of what had changed since 1980 and 2) to learn the extent to which respondents were aware of certain changes about which we had knowledge from other sources. With the exception of agency respondents in Arizona and court respondents in South Carolina, a majority of respondents in all states perceived there had been an increase in the frequency of judicial hearings since 1980.

The results presented in Table 3-1 indicate that respondents from the same states, however, often responded very differently from each other when asked whether there had been changes in state law or written policy. In general, states in which there had been actual change were more likely to have a larger number of respondents so respond, but in several states respondents were unclear as to whether policy or law had changed. It should be noted that this was in part due to the fact that a number of our respondents had begun their jobs after 1980. (49 percent of agency respondents had been in their position less than 3 years.)

Table 3-1. Perceptions of change since 1980 in hearing related activities: comparison agency and court responses

Q. Have any of the following happened in your county with regard to dispositional hearings since 1980?	PERCENT REPORTING CHANGE SINCE 1980																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Increased frequency of judicial review	67	31	86	75	77	78	83	53	68	64	67	67	67	82	50	67	29	80
New written policies or procedures	67	64	80	67	67	63	50	47	90	44	50	100	43	30	63	33	29	40
New state laws	61	39	100	40	54	67	83	19	86	44	67	100	0	36	50	67	0	100
New staff positions	30	38	53	45	56	5	25	0	0	29	83	67	43	40	0	0	14	0
New committees/departments	28	21	35	29	42	60	17	0	9	37	50	100	29	3[illegible]	63	50	0	0
New court rules/bench books	23	40	50	21	19	17	25	0	10	38	67	100	100	27	17	33	0	0
Increased funding for courts	18	27	33	20	36	0	11	7	6	17	50	0	60	9	0	20	0	0
Number of respondents*	(135-178)	(22-29)	(12-21)	(10-20)	(22-27)	(17-20)	(9-12)	(15-17)	(18-22)	(46-52)	(6)	(1-3)	(5-7)	(10-11)	(6-8)	(6)	(7)	(4-5)

*N varies slightly due to item nonresponses.

Table 3-2. Perceptions of change in hearing related activities: comparison agency and court responses

Q. Have any of the following hearing procedures changed since 1980?	PERCENT REPORTING CHANGE SINCE 1980																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Increase in judges' decisions specifying a placement plan	62	52	95	81	88	28	91	25	38	60	50	100	67	90	86	50	29	17
Increase in participation of parties	58	43	71	33	70	79	75	44	55	56	60	100	83	64	71	33	14	43
Increased involvement of lawyers	56	54	79	58	78	30	70	53	25	66	100	67	86	91	83	33	29	29
Increased formality of hearings	34	12	50	11	41	37	64	18	25	31	40	68	17	46	50	17	0	29
Increased parental appeals	26	43	60	7	8	17	27	31	21	18	17	0	14	18	33	17	14	17
Change in who conducts	17	39	15	5	4	40	36	0	0	13	17	100	0	0	50	0	0	0
Increased number of agency appeals	16	18	36	13	27	11	0	6	10	6	0	0	0	18	17	0	0	0
Number of respondents*	(146-163)	(26-28)	(14-20)	(15-19)	(26-27)	(18-20)	(10-12)	(16-17)	(19-21)	(50-53)	(5-6)	(1-3)	(6-7)	(10-11)	(6-7)	(6)	(7)	(6-7)

*Number of respondents varies slightly due to item nonresponses.

A very strong, consistent finding among states was that there had not been an increase of funding for the courts, despite the fact that the number of hearings had increased greatly. Only 18 percent of agency and 17 percent of court respondents stated there had been any increase in funding in their courts. About 60 percent of both court and agency respondents stated they thought there had been an increase in judge's decisions specifying a permanent plan, an increase in participation of parties, and increases in participation of lawyers in the hearings. Twenty-six percent of agency and 18 percent of court respondents thought there had been an increase in parental appeals. Only 16 percent of agency respondents and 6 percent of court respondents thought there had been an increase in agency appeals.

3.2 The Functioning and Role of Hearings in Decision Making

In order to provide descriptive information on the functioning of the hearings in the states, respondents were asked to indicate how frequently a series of statements were true about the hearings in which they had been involved. Tables 3-3 and 3-4 present the results of these questions. Overall a majority of agency respondents stated that the hearings usually or often provided a spur to the agency not to let the case slide and that the hearing provided a thorough examination of planning for the child. However, slightly less than a majority of agency respondents in each of the states, but San Francisco, stated the hearings often or usually resulted in a definite decision as to the permanent plan for the child's home. In San Francisco, seventy-one percent of agency respondents indicated that the hearing usually or often resulted in a decision as to the permanent plan, while the average for all respondents was 48 percent. This is consistent with the fact that San Francisco also had the largest percent of cases in which the decision at the hearings was return home. Although agency respondents in San Francisco were more likely to

Table 3-3. The functioning and role of the hearings: comparison agency and court responses

The functioning and role of the hearings	Percent reporting "often" or "usually" occurs																	
	Agency									Court								
		SF									SF							
	Total	AZ	CA	DC	LA	MT	ND	SC	VA	Total	AZ	CA	DC	LA	MT	ND	SC	VA
The hearing provides a spur to the agency not to let the case slide	64	71	57	71	78	67	58	35	58	80	100	100	71	73	88	86	67	70
The hearing provides a thorough and disciplined examination of planning for the child	54	55	41	60	54	70	58	41	53	73	100	100	14	64	88	100	33	90
The hearing results in a definite decision on the permanent plan for the child's home (i.e., return home, guardianship)	48	45	71	35	54	48	33	47	44	55	63	33	0	46	88	71	50	70
The hearing sets definite timetables for implementation	43	23	68	40	52	48	58	18	37	62	63	68	14	82	75	71	50	60
Decisions at hearings are influenced by attendance or non-attendance of parents	36	36	52	25	30	12	33	56	47	44	29	33	80	27	17	57	60	60
The hearing provides a forum to resolve parent-agency disputes	24	26	22	35	26	0	33	18	32	52	50	100	57	46	13	71	50	60
A decision at the hearing is influenced by the judge's perception of caseworker's past performance	22	32	12	17	26	16	27	29	12	35	57	0	29	30	14	14	50	60
Number of respondents*	(161-170)	(30-31)	(17-23)	(17-20)	(26-27)	(17-21)	(11-12)	(16-17)	(17-19)	(54-60)	(7-8)	(3)	(12)	(10-11)	(6-8)	(7)	(5-6)	(10)

*N varies slightly due to item nonresponses.

report a definite decision they somewhat less frequently than average reported that the hearings provided a thorough disciplined examination of the case. Overall, 54 percent reported that the hearing usually or often provided a thorough disciplined examination compared to 41 percent so reporting in San Francisco.

Overall court respondents more frequently than agency respondents saw the hearings as providing a spur to the agency, a thorough examination of the case and as coming to a definite decision as to permanent plan for the child.

Few agency respondents (24 percent) saw the hearings as frequently being a forum for resolving parent agency disputes, although 52 percent of court respondents saw this as occurring often. Court personnel somewhat more frequently perceived decisions at the hearings as being influenced by the judges' perception of the caseworkers' past performance than did agency personnel. Thirty-five percent of court respondents compared to 22 percent of agency respondents indicated that decisions were often or usually influenced by this factor. Forty-four percent of court personnel and 36 percent of agency personnel indicated that decisions were often or frequently influenced by attendance of parents at the hearings (Table 3-3).

Table 3-4 presents responses concerning questions related to case reports, scheduling and the manner in which the hearings are conducted. Fifty-six percent of agency respondents and 36 percent of court respondents indicated that the hearings were sometimes or often carried out in a hurried, perfunctory manner. While 90 percent of agency respondents indicated that the case report usually or often arrived on time for judge and lawyer to review, only 60 percent of the court respondents indicated that this was the case. In certain states the court perception was the exactly opposite that of the agency.

Table 3-4. Case reports, scheduling and manner in which the hearings are conducted: comparison agency and court responses by state

Percentage Distribution

Q. How often does each of the following occur with regard to the hearings with which you have been involved?	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
The hearings are carried out in a hurried, perfunctory manner																		
Usually or often	23	10	43	25	11	14	8	41	37	19	0	33	57	18	13	0	17	20
Sometimes	33	37	38	45	30	24	25	18	42	17	14	0	29	0	38	14	33	10
Infrequently or almost never	44	53	19	30	59	62	68	41	21	64	86	67	14	82	50	86	50	70
Total	(167)	(30)	(21)	(20)	(27)	(21)	(12)	(17)	(19)	(59)	(7)	(3)	(7)	(11)	(8)	(7)	(6)	(10)
The case report prepared by the agency arrives in time for the judge and lawyer to review																		
Usually or often	90	87	100	90	96	89	82	63	100	60	86	100	0	64	67	86	17	80
Sometimes	6	13	0	5	4	6	9	13	0	10	0	0	0	18	17	14	33	0
Infrequently or almost never	4	0	0	5	0	6	9	25	0	29	14	0	100	18	17	0	50	20
Total	(165)	(31)	(23)	(20)	(27)	(18)	(11)	(16)	(19)	(58)	(7)	(3)	(8)	(11)	(6)	(7)	(6)	(10)
Children are inadvertently passed over in scheduling reviews																		
Usually or often	11	7	0	10	4	11	0	44	17	12	17	33	0	0	0	0	40	29
Sometimes	16	20	22	15	16	0	0	38	11	12	0	33	0	9	0	14	20	29
Infrequently or almost never	73	73	78	75	80	89	100	19	72	77	83	33	100	91	100	86	40	43
Total	(157)	(30)	(18)	(20)	(25)	(18)	(12)	(16)	(18)	(51)	(6)	(3)	(4)	(11)	(8)	(7)	(5)	(7)

Overall, about 75 percent of both the court and agency respondents indicated that children were infrequently or almost never inadvertently passed over in scheduling, however, in certain states up to 44 percent of respondents reported that this occurred often or usually. (The variations in scheduling procedures are described in Volume II.)

3.3 Delays in Holding the Hearings

Table 3-5 presents the frequency with which court and agency respondents reported that hearings were ever delayed. Respondents in certain states had cited delays as a problem. This was especially so when requests for hearings had to be chanelled through a third group such as a county or state attorney's office. Overall about two-thirds of agency and slightly less than half of the court respondents indicated that hearings were sometimes delayed. Of those indicating delays, 59 percent of agency and 70 percent of court respondent indicated the delays involved more than 10 percent of the cases. As might have been expected court respondents rarely perceived the delay to be due to court backlog (5 percent of court respondents) and agency respondents rarely perceived the delay to be due to agency reasons (4 percent of agency respondents). Each was more likely to state that the delay was due to the other. The state in which delays were least frequently reported to occur was Montana, that state in which hearings were usually held by a court appointed body rather than the judge.

3.4 Adequacy of Legal Representation

Respondents were asked to indicate how frequently legal representation was adequate for children, parents and the agency. Table 3-6 presents results comparing agency and court responses by state. Overall court respondents perceived legal

Table 3-5. Delays in hearings: comparison agency and court responses by state

Q. Are the hearings ever delayed because of court or agency backlog?	PERCENTAGE DISTRIBUTION																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
No	31	23	50	30	16	58	0	11	58	57	83	0	44	36	75	67	50	73
Yes, court	39	50	5	45	52	11	75	78	5	5	0	33	0	0	0	17	17	0
Yes, agency	4	0	0	0	0	16	0	6	11	17	0	67	33	18	13	0	0	18
Yes, both	20	13	35	25	24	16	17	6	26	18	0	0	22	36	13	17	33	9
Other delays	5	13	10	0	8	0	8	0	0	2	16	0	0	9	0	0	0	0
Number of respondents	(163)	(30)	(20)	(20)	(25)	(19)	(12)	(18)	(19)	(60)	(6)	(3)	(9)	(11)	(8)	(6)	(6)	(11)
Percent of respondents indicating delays, who stated delay occurred greater than 10 percent of cases	59	55	37	50	55	33	75	87	67	70	0	0	100	83	50	100	100	50
Number of respondents	(105)	(20)	(0)	(12)	(20)	(9)	(12)	(15)	(9)	(23)	(1)	(3)	(4)	(6)	(2)	(3)	(2)	(2)

representation to be adequate somewhat more frequently than agency respondents. The composite average number of respondents who stated representation was usually or often adequate was 66 percent for agency respondents and 76 percent for court respondents. Overall agency respondents evaluated the frequency of adequate legal representation very similarly for parents, children or the agency. However, court respondents more frequently perceived representation to be usually or often adequate for children and the agency than for parents. Eighty-three and 80 percent of court respondents, respectively, stated legal representation was usually often adequate for children and the agency, compared to 66 percent so responding for parents. As can be seen from Table 3-6 some differences exist by state, however, court and agency respondents in the same state were not consistent in their evaluations. Agency respondents in Virginia and Montana least frequently stated that representation was usually or often adequate, while court respondents in South Carolina and Washington, D.C. least frequently saw legal representation as usually adequate.

To some extent the frequency with which legal representation was viewed as usually adequate by both court and agency respondents completing the survey came as a surprise. This was because, in many counties, unless termination was a possible issue or parents were contesting the agency recommendations, there was often no legal counsel present at the hearings for any of the parties, the child, parent or agency (see Chapter 6). This indicates that in answering the questions the respondents were either referring to cases in which there was a contest and legal counsel was present, or if they were considering all cases they did not believe that counsel was necessary in cases in which there was no apparent contest. This raises the question as to whether legal counsel should be present at all hearings. This was clearly not the practice in most states visited, some of which were having great difficulty with obtaining and paying counsel for

Table 3-6. Adequacy of legal representation: comparison court and agency perspective by state

Q. About how often do each of the following occur with regard to the hearings with which you have been involved?	PERCENTAGE DISTRIBUTION																	
	Agency									Court								
	Total %	AZ %	SF CA %	DC %	LA %	MT %	ND %	SC %	VA %	Total %	AZ %	SF CA %	DC %	LA %	MT %	ND %	SC %	VA %
Parents																		
Usually or often	68	84	86	55	78	38	82	69	29	66	88	100	14	64	40	100	50	78
Sometimes	16	13	9	25	22	13	0	19	18	16	13	0	57	18	0	0	17	11
Infrequently or never	17	3	5	20	0	50	18	13	53	18	0	0	29	18	60	0	33	11
Number of respondents	(160)	(31)	(22)	(20)	(27)	(16)	(11)	(16)	(17)	(56)	(8)	(3)	(7)	(11)	(5)	(7)	(6)	(9)
Agency																		
Usually or often	63	71	57	95	41	60	82	63	44	80	100	100	50	82	60	100	67	80
Sometimes	18	19	30	0	30	7	0	32	11	7	0	0	0	18	0	0	17	10
Infrequently or never	19	10	13	5	30	33	18	6	44	13	0	0	50	0	40	0	17	10
Number of respondents	(160)	(31)	(23)	(19)	(27)	(15)	(11)	(16)	(18)	(56)	(8)	(3)	(6)	(11)	(5)	(7)	(6)	(10)
Children																		
Usually or often	67	77	36	89	82	53	64	69	53	83	88	100	67	91	83	100	50	80
Sometimes	16	20	27	11	11	13	9	19	11	11	0	0	33	9	0	0	33	10
Infrequently or never	18	3	36	0	7	33	27	13	37	7	13	0	0	0	17	0	17	10
Number of respondents	(158)	(30)	(22)	(18)	(27)	(15)	(11)	(16)	(19)	(57)	(8)	(3)	(6)	(11)	(6)	(7)	(6)	(10)
Composite average percent of respondents who stated legal representation usually or often adequate for person(s) listed above	66	77	60	80	67	50	76	67	42	76	92	100	44	79	61	100	56	79

*N varies slightly due to item nonresponses.

the adjudication and termination hearings. The expected role of counsel needs to be addressed and clarified, especially in the light of the strong agreement on the need for due process safeguards at the hearings. To the extent that the hearings function as critical decision points, representation becomes more crucial; however, the problem of marginally involved and untrained counsel was repeatedly raised, as well as the problem of creating an adverserial situation when this is not in the best interests of the parties served.

3.5 A Point in Time to Make a Decision

Reading of the legislative history of P.L. 96-272 indicates that for many of those drafting the law the "dispositional hearing" by 18 months was seen as a crucial decision making point concerning the direction a child's case would take. In this study, we have seen that states most frequently have interpreted the law to require judicial hearings in which ideally a careful assessment is made of the case, within the context of permanency planning. However, most state laws and policy have stopped short of requiring a definite decision as to the direction the case will take.

Respondents were asked whether there was a point in time at which they believed they were required to make a definite decision about the future direction the child's case would go rather than allowing the child to stay in temporary foster care. Table 3-7 reports these results. Over three-fourths of both agency and court respondents stated they believed there was such a point in time. On the whole agency respondents somewhat more frequently stated they felt they were required to make such a decision than court respondents (89 percent compared to 75 percent). All respondents in San Francisco stated they believed there was such a time. This is consistent with California legislation.

Table 3-7. Perceptions concerning whether there is a specific point in time in which a decision should be made: comparison agency and court responses

Q. Is there a particular hearing or a point in time at which you believe you are required to make a definite decision about the future direction the child's case will go rather than allowing the child to stay in temporary foster care? (Foster care here does not refer to long term or permanent foster care consciously decided.)

Hearing decision	Percent reporting "yes"								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Agency	89	86	100	88	89	83	92	82	91
Number of respondents	(158)	(28)	(17)	(17)	(27)	(18)	(12)	(17)	(22)
Court	75	75	100	67	82	88	83	67	50
Number of respondents	(52)	(4)	(3)	(6)	(11)	(8)	(6)	(6)	(8)

3.6 Perceptions of Change in the Case Plan as a Result of the Hearings

One question very much related to the consideration of the role of the hearings is the extent of change in case plans resulting from holding the hearings. This question has two aspects. First, how often does the decision at the hearing differ from what the agency recommended going into the hearings. Second, and perhaps more important does the fact that the hearing will be occurring influence how caseworkers develop and implement case plans? A number of questions on the survey attempted to gain general and specific insight into these questions. Respondents were asked directly how often the hearings resulted in change in the case plan and how often decisions differed from recommendations. Table 3-8 presents a summary of these results. A large majority of respondents (73 percent overall) in all states but South Carolina indicated that the hearing decision infrequently or almost never differed from the agency recommendations. Court respondents more frequently perceived there were differences but overall a majority of court respondents also indicated that differences occurred infrequently (58 percent).

The perception that differences occurred infrequently is consistent with the findings of the case record abstract to be discussed in Chapter 6. It was found that overall in 88 percent of the cases the hearing decision was the same as the agency recommendation. In cases in which the decision was return home, adoption/TPR or permanent foster care the agreement rate was well over 90 percent. The decision of continued foster care was that for which there was least agreement, 80 percent, overall. (See Chapter 6 for further discussion.)

Respondents were also asked a similar general question, about whether the occurrence of the hearings resulted in a change

Table 3-8. Perceptions of change in case plan/decision as a result of the hearings: comparison of agency and court by state

Q. How often does?	PERCENTAGE DISTRIBUTION																
	Agency									Court							
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
The occurrence of the hearings result in a change of case plans for the child																		
Usually/often	8	7	9	5	11	0	8	29	0	17	13	0	10	46	13	0	17	10
Sometimes	43	45	52	40	52	19	42	53	39	45	75	68	29	55	38	57	17	30
Infrequently/almost never	49	48	39	55	37	81	50	18	61	38	13	33	57	0	50	43	68	60
Total number of respondents	(169)	(31)	(23)	(20)	(27)	(21)	(12)	(17)	(18)	(60)	(8)	(3)	(7)	(11)	(8)	(7)	(6)	(10)
In your experience, overall how often does the dispositional hearing decision differ from the agency recommendation																		
Usually/often	2	0	0	0	0	0	8	13	0	7	0	0	0	0	0	14	0	30
Sometimes	25	10	29	24	35	20	23	56	16	35	68	0	29	64	13	43	20	20
Infrequently/almost never	73	90	71	76	65	80	69	31	84	58	33	100	71	36	88	43	80	50
Total number of respondents	(169)	(30)	(24)	(21)	(26)	(20)	(13)	(16)	(19)	(57)	(6)	(3)	(7)	(11)	(8)	(7)	(5)	(10)

of case plans for the child. This question is phrased somewhat more broadly, with no mention of disagreement. When asked the question this way *both* court and agency respondents more frequently stated change occurred. However, most agency respondents (49 percent) continued to indicate that changes in plans infrequently or almost never occurred. Court respondents again more frequently saw change as occurring, with most respondents (45 percent), stating that it occurred "sometimes".

Chapter 4 presents further discussion of perceptions of hearing import, benefits and problems in implementation.

4. PERCEPTIONS OF IMPACT, PROBLEMS IN IMPLEMENTATION AND RECOMMENDATIONS: THE SURVEY RESULTS

This chapter presents agency and court perceptions of the impact of the hearings. Also summarized are responses concerning the problems and benefits of implementation and recommendations for assistance or modification of the law. Comparisons of responses on certain of these items are made to answers to the same questions on the National overview study. (See Volume 1 for detailed presentation, of results of National Overview Study.)

4.1 Perceptions of Overall Impact on Foster Care

Tables 4-1 to 4-3 present agency and court responses by state to a series of questions concerning what would be or had been the impact of holding the hearings. As can be seen from Table 4-1, a majority of both court and agency respondents perceived that the percent of terminations and the percent of children returned home would both be increased. Somewhat more than a third believed they would not be affected. A majority of respondents, however, stated that the percent of cases in which permanent foster care was recommended would be unaffected. Court respondents, somewhat more frequently than agency respondents, stated that the percent of children returned home would increase (64 percent compared to 55 percent).

When asked about the impact on protection of parental and child rights almost two thirds of agency respondents and three-fourths of court respondents indicated that these would be increased (Table 4-2). Most agency respondents (61 percent) indicated that the number of placements per child would be unaffected while a majority of court respondents (53 percent) indicated that they thought it would be decreased. When asked about the

Table 4-1. Perceptions of impact of hearings on case outcomes: comparison agency and court response by state

Q. In your view have any of the following been or would they be increased, decreased or not affected by holding the hearings?	PERCENTAGE DISTRIBUTION																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Percent of terminations of parental rights																		
Increased	65	72	87	74	78	21	100	58	39	55	50	68	83	73	25	50	68	33
Decreased	2	7	0	0	4	0	0	0	0	9	0	33	0	0	13	0	17	22
Not affected	33	21	13	26	19	79	0	42	61	36	50	0	17	27	63	50	17	44
Number of respondents	(157)	(29)	(15)	(19)	(27)	(19)	(11)	(19)	(18)	(53)	(4)	(3)	(6)	(11)	(8)	(6)	(6)	(9)
Percent of children returned home																		
Increased	55	59	64	47	62	37	68	63	44	64	50	100	67	60	57	75	83	44
Decreased	7	3	7	0	7	5	8	6	0	6	0	0	0	10	14	0	0	11
Not affected	41	38	29	53	31	58	25	31	56	30	50	0	33	30	29	25	17	44
Number of respondents	(153)	(29)	(14)	(19)	(26)	(19)	(12)	(16)	(18)	(47)	(2)	(3)	(6)	(10)	(7)	(4)	(6)	(9)
Percent cases in which agency recommends long term or permanent foster care for children with special needs																		
Increased	15	10	7	26	21	26	17	6	7	25	0	67	17	36	37	0	0	25
Decreased	31	45	57	26	29	5	33	41	7	21	0	33	17	18	13	40	60	0
Not affected	54	45	36	47	50	68	50	53	87	54	100	0	67	46	50	60	40	75
Number of respondents	(149)	(25)	(14)	(19)	(24)	(19)	(12)	(17)	(15)	(48)	(2)	(3)	(6)	(11)	(8)	(5)	(5)	(8)

Table 4-2. Perceptions of impact of hearings on length of time in care and number of placements: comparison agency and court responses by state

Q. In your view have any of the following been or would they be increased, decreased or not affected:	PERCENTAGE DISTRIBUTION																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Length of time before agency recommends termination																		
Increased	30	30	13	65	30	21	33	28	17	19	25	0	17	18	13	17	0	40
Decreased	39	33	73	10	48	21	68	50	28	44	50	100	50	36	38	67	67	10
Not affected	31	37	13	25	22	58	0	22	56	37	25	0	33	46	50	17	33	50
Number of respondents	(156)	(27)	(15)	(20)	(27)	(19)	(12)	(18)	(18)	(54)	(4)	(3)	(6)	(11)	(8)	(6)	(6)	(10)
Number of placements per child																		
Increased	8	3	14	10	21	5	0	5	0	8	0	0	14	18	0	0	0	11
Decreased	31	35	36	20	29	26	55	47	12	53	33	100	43	55	88	25	67	22
Not affected	61	62	50	70	50	68	46	47	88	39	67	0	43	27	13	75	33	67
Number of respondents	(153)	(29)	(14)	(20)	(24)	(19)	(11)	(19)	(11)	(51)	(3)	(3)	(7)	(11)	(8)	(4)	(6)	(9)
Average length of substitute care																		
Increased	5	0	0	0	0	21	8	6	6	6	33	0	0	0	0	0	0	22
Decreased	55	57	64	61	65	21	75	65	41	62	33	100	80	64	57	50	100	33
Not affected	40	43	36	39	35	58	17	29	53	32	33	0	20	36	43	50	0	44
Number of respondents	(145)	(28)	(11)	(18)	(23)	(19)	(12)	(17)	(17)	(47)	(3)	(3)	(5)	(11)	(7)	(4)	(5)	(9)
Percent not affected	36									31								

Table 4-3. Perceptions of impact of hearings on protection of rights, review time and parental participation: comparison agency and court

Q. In your view have any of the following been or would they be increased, decreased or not affected by holding the hearings?	PERCENTAGE DISTRIBUTION																	
	Agency									Court								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Protection of child rights																		
Increased	67	72	23	80	81	67	91	68	39	82	75	67	86	91	100	80	86	60
Decreased	6	0	54	0	4	0	0	5	0	0	0	0	0	0	0	0	0	0
Not affected	27	28	23	20	15	33	9	26	61	18	25	33	14	9	0	20	14	40
Number of respondents	(154)	(29)	(13)	(20)	(26)	(18)	(11)	(19)	(18)	(55)	(4)	(3)	(7)	(11)	(8)	(5)	(7)	(10)
Protection of parental rights																		
Increased	64	66	80	62	65	42	83	84	39	72	75	67	71	82	71	80	86	50
Decreased	3	3	7	0	4	0	0	5	0	2	0	0	0	0	0	0	0	10
Not affected	33	31	13	38	31	58	17	11	61	26	25	33	29	18	29	20	14	40
Number of respondents	(159)	(29)	(15)	(21)	(26)	(19)	(12)	(19)	(18)	(54)	(4)	(3)	(7)	(11)	(7)	(5)	(7)	(10)
Time involved for review of each case																		
Increased	68	76	69	80	67	74	60	50	58	79	50	100	75	73	71	80	100	90
Decreased	15	7	13	5	15	11	40	39	11	4	0	0	0	0	14	0	0	10
Not affected	17	17	19	15	19	16	0	11	32	17	50	0	25	27	14	20	0	0
Number of respondents	(158)	(25)	(16)	(20)	(27)	(19)	(10)	(18)	(19)	(47)	(4)	(3)	(4)	(11)	(7)	(5)	(3)	(10)
Parental participation in care review process																		
Increased	68	59	57	70	85	37	91	79	68	73	75	67	80	82	57	100	67	60
Decreased	1	3	0	0	4	0	0	0	0	2	0	0	0	0	0	0	0	10
Not affected	31	38	43	30	12	64	9	21	32	25	25	33	20	18	43	0	33	30
Number of respondents	(157)	(29)	(14)	(20)	(26)	(19)	(11)	(19)	(19)	(52)	(4)	(3)	(5)	(11)	(7)	(6)	(6)	(10)

average length of substitute care, while 55 percent of agency respondents indicated it would be decreased, 40 percent indicated it would be unaffected and 5 percent thought it would increase. Sixty-three percent of court respondents stated it would be decreased.

Considering the responses to the ten items overall, these findings indicate that a majority of both agency and court respondents stated they believed that the hearings would have an impact, and that this impact would be in the direction of decreasing the use of foster care. However, on the average, about one third of respondents for both the court and agency indicated that the item would be unaffected. The composite average for choosing would be or had been "unaffected" as a response was 36 percent for agency and 31 percent for the court respondents.

4.2 Perceptions of Impact on Own Behavior

The tables above indicate that most agency respondents, when asked in the context of a formal questionnaire, stated they believed the hearings would have an impact and that the impact would overall be in the direction of reducing foster care and protecting rights of those involved. In order to gain a perspective on how the hearings were perceived as impacting what an individual respondent did, similar questions were asked of agency respondents relative to their own case work. Tables 4-4 to 4-5 present these results. These tables indicate that in general agency respondents perceived the hearings as impacting their own cases somewhat less frequently than they perceived the hearings as impacting the overall system. As can be seen from Table 4-4, a majority of agency respondents stated that the length of time before they would file for termination or recommend a child be returned home would be unaffected. About a third stated it would be decreased. Most respondents (42 percent) also stated that the time it took to implement the case plan goal would be

Table 4-4. Agency personnel perceptions of hearing impact on their own cases: termination, return home and time to implement plan

Percentage distribution

Q. Do you believe that having a required hearing increases, decreases, or does not affect the following?	Agency								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Length of time before you file a petition for termination of parental rights									
Increases	14	10	17	33	8	5	8	17	16
Decreases	33	16	61	22	39	10	67	44	32
Not affected	53	74	22	44	54	85	25	39	53
Number of respondents	(162)	(31)	(18)	(18)	(26)	(20)	(12)	(18)	(19)
Length of time before you recommend a child be returned home									
Increases	10	13	11	20	4	14	9	11	0
Decreases	37	20	72	15	50	29	64	42	25
Not affected	53	67	17	65	46	57	27	47	75
Number of respondents	(165)	(30)	(18)	(20)	(26)	(21)	(11)	(19)	(20)
Time it takes to implement your case plan goal									
Increases	21	21	18	48	23	19	20	16	5
Decreases	37	28	64	14	50	24	40	47	30
Not affected	42	52	18	38	27	57	40	37	65
Number of respondents	(168)	(29)	(22)	(21)	(26)	(21)	(10)	(19)	(20)

Table 4-5. Agency personnel perceptions of hearing impact on their own cases: workload and services

Percentage distribution

Q. Do you believe that having a required hearing increases, decreases, or does not affect the following?	Agency								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Overall workload									
Increases	76	80	87	75	89	77	70	42	77
Decreases	5	0	9	10	0	0	0	16	5
Not affected	19	20	4	15	11	23	30	42	18
Number of respondents	(173)	(30)	(23)	(20)	(27)	(22)	(10)	(19)	(22)
Prevention services you will provide									
Increases	38	32	38	38	42	35	58	44	25
Decreases	8	7	29	5	15	0	8	0	0
Not affected	54	61	33	57	42	65	33	56	75
Number of respondent	(169)	(31)	(21)	(21)	(26)	(20)	(12)	(18)	(20)
Reunification services you will provide									
Increases	48	42	64	38	65	48	42	50	33
Decreases	6	3	18	0	12	0	8	6	0
Not affected	46	55	18	62	23	52	50	44	67
Number of respondents	(172)	(31)	(22)	(21)	(26)	(21)	(12)	(18)	(21)

unaffected, and 37 percent stated it would decrease. Three-fourths stated the overall workload was increased by the hearings. Respondents were about evenly divided between those who stated that the reunification services they provided would be increased and those who stated they would be unaffected (48 percent thought they would be increased, and 46 percent that they would not be affected). Respondents in San Francisco and Louisiana, especially noted that their reunification services were increased by the hearings. Overall a majority of agency personnel stated that prevention services would be unaffected by the hearings

4.3 Benefits of Requiring Dispositional Hearings

Agency and court respondents were asked to list the major benefits of requiring the hearings. Up to three benefits were coded for each respondent. Table 4-6 presents the percent of respondents who mentioned a given benefit on the 8 state study and on the National overview study. The categories listed on the table represent combined responses. The breakdown of the responses within each category can be found in Appendix A.

The three major benefits cited by both court and agency personnel on both the National overview study and the 8 state study were: increased agency accountability, giving permanent plan priority, and preventing foster care drift. Respondents on the National overview study somewhat more frequently mentioned agency accountability, while in the 8 state study relatively more emphasis was placed on permanency planning. The court and agency practioners in the 8 state study also somewhat more frequently mentioned the benefit of increased emphasis on reunification and rehabilitation of the family, while the foster care state administrators more frequently mentioned increased judicial involvement as a benefit in itself. This variation reflects the differing concerns of administrators and line practitioners. Case workers and supervisors tended to cite case

Table 4-6. Cited benefits of requiring dispositional hearings: comparison agency and court responses, national overview study and eight state study

Category of benefits	Percent of respondents mentioning			
	Agency		Court	
	National study %	8 state study %	National study %	8 state study %
Increase agency accountability	68	49	62	53
Permanent plan priority	38	53	42	51
Prevents foster care drift	30	29	36	53
Increased judicial involvement	30	8	2	2
Increased participation of parties	26	15	20	12
Protect parents' rights	14	4	2	2
Protect children's rights	12	20	22	24
Agency/court relationship	6	4	12	7
More emphasis on reunification/ rehabilitation of family	2	18	12	29
Reduce foster care costs	0		2	2
Improve public understanding	2	4	0	0
None	0		6	
Number of respondents	(50)	(170)	(50)	(59)

specific benefits, while the state administrators somewhat more frequently cited system related benefits. Protection of the rights of parties involved was also frequently cited as a benefit by respondents in both surveys.

4.4 General Problems in Implementation of the Hearings

Respondents were also asked to cite the most important problems in implementing the hearings. Up to three problems were coded for each respondent. Table 4-7 presents the percent of respondents who mentioned a given problem in the National overview study and the 8 state study. The 10 categories listed in the table are collapsed from 39 coded responses. The breakdown of the responses can be found in Appendix A.

A very large majority of respondents in both the national and 8 state study cited increased workload as the major problem. Consistent with this court respondents in both the national overview and the 8 state study cited lack of funding next most frequently. Agency respondents in the 8 state study next most frequently cited procedural problems related to ensuring adequate hearings. Problems related to legal delays were frequently cited by agency respondents, and adequacy of legal representation was also frequently cited by both court and agency respondents.

Some court and agency respondents in both the National and 8 state study noted that the hearings can sometimes have a negative affect on the parents or child. At times children may begin to act out around the time of the hearing and it may serve to revive old conflicts or raise expectations that can not be met.

Table 4-7. Cited problems in implementing P.L. 96-272 hearings: comparison agency and court responses, national overview study and eight state study

Implementation problems	Percent of respondents mentioning			
	Agency		Court	
	National study %	8 state study %	National study %	8 state study %
Increased workload	66	71	92	56
Low priority given to dependency case by courts	24	4	2	4
Need for training for judges, lawyers, agency staff	22	7	12	7
Procedural problems/time frame	22	19	14	17
Agency/court relationship	18	5	0	7
Lack of adequate funding	16	6	20	20
Clarification of law	8	3	4	4
Hearings negatively affect family	4	5	6	7
Legal delay	4	16	6	6
Legal representation inadequate for parents/child/agency	6	9	0	15
Number of respondents	(50)	(151)	(50)	(54)

4.5 Problems in Implementation Due to Existing State Law or Policy

In addition to asking for general problems in implementation, respondents were asked whether there were any existing state laws or policies which made implementation difficult. Table 4-8 presents these results for the 8 state study as compared to the National overview. (See Appendix A for breakdown of categories.) As might be expected, state foster care administrators most frequently were cognizant of existing laws or policies making implementation difficult. Fifty-two percent of state administrators on the National overview survey responded "yes" to this question compared to 21 percent of agency respondents on the 8 state study and about 15 percent of court respondents on both surveys. Of those indicating that there were state laws or policies making implementation difficult, the major reasons was absence of legal provisions for the hearings or conflict with existing state laws. This is consistent with the statement repeated to us often in our discussions with state administrators and judges, that unless the hearings are provided for in state legislation they have little chance of successful continued implementation throughout a state.

Related to the problem of inadequate state legislation is the second most frequently cited difficulty; that there is no reason for courts to comply with Federal requirements for agency funding. No additional funds had been made available to the courts for implementation. Other problems cited had to do with policies concerning obtaining, preparing and compensating legal representation. Some respondents noted the lack of lawyers as a problem, but a small percent said there were too many involved and noted that they at times confused the issues and caused delays.

Table 4-8. Problems in implementing P.L. 96-272 requirements due to existing state laws or policies: comparison agency and court response, national overview study and eight state study

Problem cited	Percent of respondents mentioning			
	Agency		Court	
	National study %	8 state study %	National study %	8 state study %
Absence or conflict with state laws	62	28	63	57
No reason for court to comply with law	15	19	13	14
Inadequate legal representation	12	16	0	14
Court procedural requirements	8	31	13	
Lack of judicial training	4	6	0	14
Inadequate sanctions against agency	0		13	
Number of respondents	(26)	(32)	(8)	(7)
Percent of total indicating problem with law or policy	52	21	16	14

A large number of agency respondents cited factors related to court procedures. Among the most common problem was that of waiting at the court house for most of the day for what often amounted to a ten minute hearing. Many agency personnel felt this was not a good use of their time, and cited the inconvenience to the parents, children and foster parents this involved.

Several court respondents on the 8 state study cited the lack of adequate sanctions against the agency if they do not comply with the hearing decision or if they are consistently late in getting reports to the court on time.

Another issue which was raised was that of the redundancy of reviews and hearings. A few respondents stated that there were too many reviews and hearings. This was especially so in places in which there were citizen reviews, agency administrative reviews and court review and dispositional hearings all occurring.

4.6 Recommendations for Assistance in the Implementation of P.L. 96-272 Dispositional Hearings

Respondents on both the National Overview study and the 8 state study were asked what would be of assistance to states in implementation of the hearings. Table 4-9 presents a summary of the results of this question for both surveys. The breakdown of the responses included under each category listed in the table can be found in Appendix A.

As can be seen from the table, the most frequently mentioned suggestion for assistance by the foster care state administrators in the National overview was clarification of the law, while the most frequently mentioned form of assistance by the agency case workers and supervisors in the 8 state study, was training. Almost half mentioned that this would be of

Table 4-9. Recommendations for assistance to implement P.L. 96-272: comparison agency and court responses, national overview study and eight state study

Recommendations for assistance	Percent of respondents mentioning			
	Agency		Court	
	National study %	8 state study %	National study %	8 state study %
Clarification of components of law	46	13	11	12
Nothing is needed	30	42	30	6
Increased funding for court/agency	16	19	46	36
Training for legal/court/agency personnel	16	43	7	33
Implement demonstration projects	14	6	11	12
New requirements to be incorporated into the law	6	4	0	12
Allow states flexibility in interpreting and implementing the law	2		2	3
Stricter requirements and interpretation of the law	2	5	11	33
Number of respondents	(50)	(103)	(46)	(33)

assistance. Training was also mentioned by about a third of court respondents in the 8 state study. Overall court respondents in both the National and 8 state study most frequently mentioned that increased funding would be of assistance. The call for increased funding for the courts to carry out the hearings and for increased training for all involved in the hearings is consistent with the relatively low levels of training reported by those completing the survey, and the fact that virtually no counties report that there had been any increase in court funding or funding for legal counsel accompanying the initiation of holding the hearings.

4.7 Recommendations for Change to Improve P.L. 96-272 Hearing Requirements

Table 4-10 presents the results of an open-ended question concerning recommendations for change to improve the P.L. 96-272 hearing legislation. Appendix A provides a detailed breakdown of categories. On the 8 state study the most frequent answer of the caseworkers and supervisors was that it was too early to know of needed changes or that they had no changes. Agency personnel on the National overview most frequently asked for greater flexibility in interpreting the law; although almost as many called for incorporating the requirements into the law. While the states wanted flexibility they also wanted clarity and consistency. It was stated that if the requirements were approved and incorporated into the law perhaps the inconsistencies in interpretation would be lessened. The most specific recommendations were those related to time frames. Several court respondents in the 8 state study wanted the time frame shortened to one year. Another recommendation was the provision of funding for the courts within the legislation itself. A few respondents in each group called for stricter requirements.

Table 4-10. Recommendations for change to improve P.L. 96-272: comparison agency and court responses, national overview study and eight-state study

Recommendations for law changes	Percent of respondents mentioning			
	Agency		Court	
	National study %	8 state study %	National study %	8 state study %
Greater flexibility in interpreting and implementing the law	42	13	7	19
New requirements to be incorporated into the law	38	19	6	30
No changes/too early	24	47	27	16
Clarification of law component	18	6	7	11
Increased funding	12	16	4	27
Time frame change/more specific	10	8	4	27
Stricter requirements and interpretation of the law	4	4	2	5
Do not know	2		0	
Number of respondents	(50)	(103)	(50)	(37)

5. CHARACTERISTICS OF THE CHILDREN: THE CASE RECORD ABSTRACTS

The next two chapters present the results of abstraction of a total of 450 case records of children having had dispositional hearings. As described in Chapter 1, the method of county selection for the study states was to stratify all counties based on size of foster care population into three groups (small, medium, large). One county from each group was then randomly selected. In Louisiana, hearings were being held only in certain counties, and at agency request, those counties were selected to be visited. San Francisco County was not randomly selected from among all the counties in California. It was pre-selected due to its participation in the Phase I study.

5.1 Methods of Case Record Sampling

To meet the study requirements of reviewing case records only of children who had undergone dispositional hearing proceedings, the sampled counties in each state were asked to provide a universe list of all substitute care cases having undergone dispositional hearings during the time period February 1982 to February 1983. According to the total dispositional hearing caseloads in each county, cases were then randomly sampled from each county on a weighted basis, to yield a total sample of sixty cases per state. The states visited conducted hearings with different frequency and were in different phases of implementation of P.L. 96-272. The cases sampled reflect the types of cases having had hearings in the preceding year. They are not reflective of the total population in care.

The sampling time frames and sample sizes in each state had to be adjusted to accommodate the variations in state dispositional hearing proceedings, the identified county's ability

to provide the requisite number of cases and the state's/county's ability to provide universe lists of all children who had undergone hearings between February 1982 - February 1983. The sample selection of case records was adjusted for each state as described below.

Arizona

Arizona has annual mandated court hearings for children in substitute care. These hearings do not always occur exactly one year after the date of placement. To ensure that the sample included children who had undergone hearings, a universe list of all children in care eighteen months or more as of February 1, 1983, was provided for Maricopa, Pima and Yavapii Counties. As sufficient cases were available in the state, a random sample of seventy cases was selected to allow for missing case records or case records with incomplete data. Sixty-seven case record abstracts were completed.

District of Columbia

The District of Columbia has legally mandated 6 month court hearings for some time. A universe list of all children who had undergone hearings from January 1, 1982 to January 1, 1983 was provided. A random sample of 60 children was selected.

San Francisco County, California

San Francisco County was in transition from the old system of annual judicial hearings to the new system of six month judicial hearings and twelve month permanency planning hearings.

To ensure that the sample would include children who had received hearings, a universe list of all children who had been in care at least six months as of February 1983 was provided. As sufficient cases were available for the county, a random sample of seventy cases was selected to allow for missing case records or case records with incomplete data. Sixty-nine case record abstracts were completed.

Louisiana

At the time of the study, hearing proceedings were not occurring on a consistent basis throughout the state. At agency request parishes selected were those in which judges were regularly scheduling court hearings. These included two of the parishes with the largest foster care populations, Orleans and Jefferson. The third parish was Acadia. Random samples were drawn from lists of all children having had hearings between March 1982 and March 1983. A total of 58 cases were abstracted.

Montana

Dispositional hearings are held every six months by the Foster Care Review Board. To ensure that the sample would include children who had hearings, a universe list of all children in care six months or longer for Ravalli, Lewis and Clark and Yellowstone Counties was provided. A random sample of cases was drawn from Yellowstone County and the universe of cases was used for Lewis and Clark and Ravalli counties. A total of 55 case records were abstracted for Montana; however, only 46 provided complete information for analysis.

North Dakota

The sample in North Dakota was comprised of the universe of all children who had hearings between February 1982 and February 1983 in Cass, Morton and Mandane Counties. As the total population for this state is small, the universe of children who had undergone hearings in the counties consisted of 45 cases.

South Carolina

At the time of our study South Carolina was in a period of transition in implementing hearings for all children. Hearings were usually held by agency petition and were as yet not legally mandated. While agency policy provided for court hearings for all children by the 18th month in care, this had been in effect for such a short time that the sample of cases drawn reflects those cases in which the Department or some other party had decided there was a need for court interviews. It, therefore, includes a large percentage of TPR and adoption cases.

A universe list of all children who had undergone hearings between February 1982 - February 1983 in Charleston, Lexington and Greenwood Counties was provided. A sample of 60 case records were abstracted, only 50 provided complete information for analysis.

Virginia

A universe list of all children who had undergone hearings between February 1982 - February 1983 in Newport News, Chesterfield and Stafford counties was provided. A sample of 60 case records were abstracted, only 54 provided complete information for analysis.

5.2 Characteristics of the Children

Demographic and placement history information was collected from the case records on each of the sampled children. Study states were also asked to provide aggregate data for the state substitute care population on some of the same characteristics. We also requested permission from state officials to use the data provided to the Voluntary Cooperative Information System (VCIS) to illustrate how the study sample reflected each state's total substitute care population.

The following sections provide a discussion of specific demographic and placement history characteristics for the study sample in each state as well as the state's total substitute care population. County totals for the substitute care population in San Francisco County were unavailable. California state totals have been provided; however, the sample drawn from San Francisco is not intended to be representative of the state of California.

5.2.1 Demographic Characteristics

Information on the sex, age, ethnicity and presence of disabling condition was collected for each study state. Table 5-1 illustrates the percentage distribution of these characteristics for each study state sample. Tables 5-2 to 5-9 illustrate how the demographic characteristics of the study sample reflect the percentage distribution of each state's total substitute care population.

Table 5-1. Percentage distribution of children of sampled cases in each state by sex, age, ethnicity, and disabling condition

	Total	Arizona %	San Francisco County, California %	District of Columbia %	Louisiana %	Montana %	North Dakota %	South Carolina %	Virginia %
SEX									
Male	54	49	59	53	34	65	64	46	59
Female	46	51	41	47	66	35	36	54	41
AGE									
Less than 1	0	0	3	0	0	0	0	0	0
1 - 5	23	10	29	23	34	5	22	48	15
6 - 12	28	16	37	22	31	13	38	28	35
13 - 18	46	72	30	38	36	83	40	24	46
19 - 21	3	1	0	17	0	0	0	0	4
ETHNICITY									
White, not Hispanic	48	64	23	3	57	72	87	48	52
Hispanic	7	22	17	0	0	0	0	10	0
Black, not Hispanic	35	5	44	93	36	0	0	40	46
Asian or Pacific Islander	3	0	9	3	3	4	0	0	2
American Indian or Alaskan	4	8	0	0	0	17	11	0	0
Mixed race	3	1	7	0	3	7	2	2	0
DISABLING CONDITION									
No known	59	45	54	39	68	61	44	76	67
One or more	41	55	48	41	32	39	56	24	33
TOTAL NUMBER OF RESPONDENTS	(450)	(67)	(69)	(60)	(57)	(46)	(45)	(50)	(54)

Table 5-2. Percentage distribution of children In Arizona by sex, age, ethnicity and disability condition

ARIZONA	Case record sample %	State total* %
SEX		
Male	49	48
Female	51	51
AGE		
Less than one	0	1
1-5	10	21
6-12	16	32
13-18	72	30
19-21	1	15
Unknown	0	0
ETHNICITY		
White, not Hispanic	64	66
Hispanic	22	17
Black, not Hispanic	5	7
Asian or Pacific Islander	0	0
American Indian/Alaskan	8	7
All others	1	2
Unknown	unknown	0
DISABLING CONDITION		
No known	45	60
One or more	55	38
Not reported		2
Total number of respondents	(67)	(1,152)
Time frame for state totals is 10/1/81 - 9/30/82		

*State totals are estimates provided by the state.

Table 5-3. Percentage distribution of children in San Francisco County and California by sex, age, ethnicity and disability condition

SAN FRANCISCO	County	California
	Case record sample %	State total %
SEX		
Male	59	52
Female	41	47
AGE		
Less than one	3	3
1-5	29	22
6-12	37	30
13-18	30	43
19-21	0	1
Unknown	0	1
ETHNICITY		
White, not Hispanic	23	50
Hispanic	17	17
Black, not Hispanic	44	25
Asian or Pacific Islander	9	2
American Indian/Alaskan	0	1
All others	7	0
Unknown	0	4
DISABLING CONDITION		
No known	54	84
One or more	46	12
Not reported		4
Total number of respondents	(67)	(31,288)
Time frame for state totals is 9/30/82 -		

Table 5-4. Percentage distribution of children in District of Columbia by sex, age, ethnicity and disability condition

DISTRICT OF COLUMBIA	Case record sample %	State total %
SEX		
Male	53	47
Female	47	43
AGE		
Less than one	0	0
1-5	23	19[1]
6-12	22	24
13-18	38	47[2]
19-21	17	--
Unknown		10
ETHNICITY		
White, not Hispanic	3	--
Hispanic	0	--
Black, not Hispanic	93	--
Asian or Pacific Islander	3	--
American Indian/Alaskan	0	--
All others	0	--
Unknown	0	--
DISABLING CONDITION		
No known	59	0
One or more	41	34
Not reported	0	66
Total number of respondents	(60)	(2,145)
Time frame for state totals is 10/1/81 - 9/30/82		

[1] Includes 0-5.

[2] Includes 13-20.

Table 5-5. Percentage distribution of children in Louisiana by sex, age, ethnicity and disability condition

LOUISIANA	Case record sample %	State total %
SEX		
Male	34	50
Female	66	50
AGE		
Less than one	0	3
1-5	34	27
6-12	31	36
13-18	36	32
19-21	0	3
ETHNICITY		
White, not Hispanic	57	46
Hispanic	0	0
Black, not Hispanic	36	53
Asian or Pacific Islander	3	0
American Indian/Alaskan	0	0
All others	3	0
DISABLING CONDITION		
No known	68	82
One or more	32	18
Total number of respondents	(59)	(6,479)
Time frame for state totals is 4/1/82 - 3/31/83		

Table 5-6. Percentage distribution of children in Montana by sex, age, ethnicity and disability condition

MONTANA	Case record sample %	State total %
SEX		
Male	65	54
Female	35	46
AGE		
Less than one	0	5
1-5	5	12
6-12	13	22
13-18	83	59
19-21	0	1
Unknown	0	0
ETHNICITY		
White, not Hispanic	72	74
Hispanic	0	0
Black, not Hispanic	0	2
Asian or Pacific Islander	4	0
American Indian/Alaskan	17	19
All others	7	3
Unknown	0	0
DISABLING CONDITION		
No known	61	84
One or more	39	16
Total number of respondents	(46)	(907)
Time frame for state totals is 7/1/82 - 12/31/82		

Table 5-7. Percentage distribution of children in North Dakota by sex, age, ethnicity and disability condition

NORTH DAKOTA	Case record sample %	State total %
SEX		
Male	64	52
Female	36	48
AGE		
Less than one	0	4
1-5	22	20
6-12	38	26
13-18	40	46
19-21	0	4
ETHNICITY		
White, not Hispanic	87	66
Hispanic	0	1
Black, not Hispanic	0	1
Asian or Pacific Islander	0	0
American Indian/Alaskan	11	32
All others	2	0
DISABLING CONDITION		
No known	44	94
One or more	56	6
Total number of respondents	(45)	(713)
Time frame for state totals is 1/1/81 - 12/31/82		

Table 5-8. Percentage distribution of children in South Carolina by sex, age, ethnicity and disability condition

SOUTH CAROLINA	Case record sample %	State total %
SEX		
Male	46	52
Female	54	48
AGE		
Less than one	0	0
1-5	48	32[1]
6-12	28	25
13-18	24	43[2]
19-21	0	0
Unknown	0	0
ETHNICITY		
White, not Hispanic	48	45
Hispanic	10	10
Black, not Hispanic	40	55
Asian or Pacific Islander	0	0
American Indian/Alaskan	0	0
All others	2	0
Unknown	0	0
DISABLING CONDITION		
No known	76	
One or more	24	
Not reported		
Total number of respondents	(50)	(2,925)
Time frame for state totals is 7/1/81 - 6/30/82		

[1]This figure includes 0-5 year olds.

[2]This figure includes 13-20 year olds.

Table 5-9. Percentage distribution of children in Virginia by sex, age, ethnicity and disability condition

VIRGINIA	Case record sample %	State total* %
SEX		
Male	59	54
Female	41	46
AGE		
Less than one	0	4
1-5	15	17
6-12	35	26
13-18	46	49
19-21	4	4
Unknown	0	0
ETHNICITY		
White, not Hispanic	52	51
Hispanic	0	0
Black, not Hispanic	46	47
Asian or Pacific Islander	2	0
American Indian/Alaskan	0	0
All others	0	2
Unknown	0	0
DISABLING CONDITION		
No known	67	87
One or more	33	13
Total number of respondents	(54)	(6,990)
Time frame for state totals is 10/1/81 - 9/30/82		

*Virginia state totals include children maintained in their own homes.

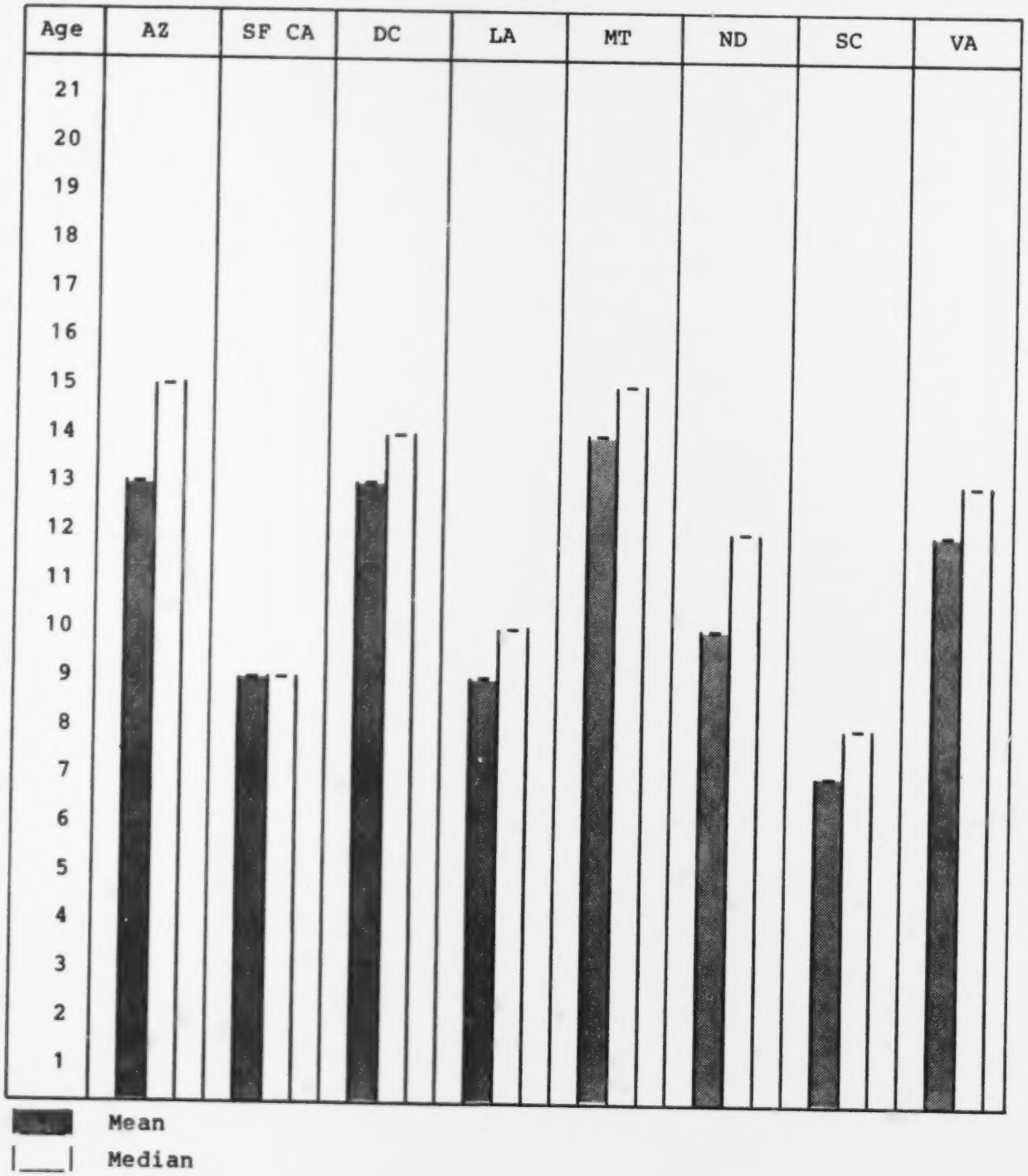
Sex

Overall our sample contained 54 percent males and 46 percent females. As can be seen from Tables 5-2 to 5-9 in all states but South Carolina, our case record abstract sample has higher portion of males than is reflected in the state totals. In most states this difference is not great; however, in three states, Louisiana, North Dakota and Montana, males were over-represented by more than 10 percent (16, 12 and 11 percent, respectively).

Age

The mean age for the cases sampled was 11 years and the median 12 years. Table 5-10 presents the mean and median age breakdown of the sampled group by state. As can be seen from Tables 5-2 to 5-9 for several states the sample contained a somewhat larger proportion (46 percent overall) of children aged 13 to 18 than did the state totals. Given the fact that the hearings occurred only after the child had been in care a period of time, it is to be expected that our sample would contain a somewhat older group of children than the total population. However, in two states, Arizona and Montana, the sample contains an exceptionally high proportion of older children. In Arizona the proportion of sampled cases in which the age was 13 to 18 was 72 percent, while the state totals contained only 30 percent in this group. The sample in Montana also overrepresents older children but the differences are less dramatic (83 percent in sample compared to 59 percent for the total state). Montana state staff indicated during the site visits that the teenage substitute care population was growing at a very rapid pace.

Table 5-10. Mean and median ages of case record sample by state



The South Carolina sample had the lowest mean (8) and median (7) age. Forty-eight percent of the cases sampled in South Carolina were between the ages of 1-5. This low age percentage is more reflective of the types of hearings being held at that time than the overall state substitute care population (only 32 percent of the total were between the ages of 1-5).

Ethnicity

The percentage distribution for race/ethnicity in the sampled cases is 48 percent white and 52 percent minority. The percentage distribution for the state's total substitute care population is 58 percent white caucasian and 42 percent minority.[1] The total substitute care population as well as the sample for the eight study states represents a higher percentage of minority children than the national average (65 percent white, 35 percent minority).[2]

Louisiana and San Francisco County were the only two study sites in which there was a difference between the percentage distribution of the sampled cases and the state total foster care population. The sampled cases in Louisiana were 57 percent white and 43 percent minority, whereas the state reported a 46 percent white and 54 percent minority population for the total substitute care population. The sampled cases in San Francisco were 23 percent white and 77 percent minority, whereas the state of California reported a 50 percent white population and 50 percent minority. As was noted earlier, San Francisco County was not selected for this study to represent the entire state of California. California state totals are presented as a reference point, aggregate data for San F

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[1] This distribution does not include total substitute care percentages for Washington, D. C.

[2] Maximus, Child Welfare Indicator Survey

California state totals are presented as a reference point, aggregate data for San Francisco County's total foster care population was unavailable.

Disabling Conditions

The case record abstract included the following categories of disabling conditions: mental retardation; emotional disturbance; specific learning disabilities; hearing, speech or sight impairment; and physical disabilities. One or more disabling conditions were reported for 41 percent of the sampled children. Of the study state samples, North Dakota and Arizona reported that children had one or more disabling conditions in over 50 percent of the cases. The most frequently noted disabling condition for the total sample was emotional disturbance (23 percent of the cases), followed by a learning disability (11 percent of the cases).

The number of children with one or more disabling conditions in the total substitute care populations of each state ranged from 6 percent to 50 percent lower than the state's sample population. Washington, D.C. showed the lowest difference (6 percent difference) with North Dakota representing the highest difference (50 percent difference).

5.2.2 Placement History Characteristics

Information on the type of initial placement, length of time in foster care, reason for placement, number of different living arrangements, and most recent living arrangement was collected for the sampled cases in each study state. Table 5-11 illustrates the percentage distribution of these characteristics

Table 5-11. Percentage distribution of children of sampled cases in each state by selected placement history characteristics

	Total	Arizona %	San Francisco County, California %	District of Columbia %	Louisiana %	Montana %	North Dakota %	South Carolina %	Virginia %
TYPE OF INITIAL PLACEMENT									
Voluntary	23	36	3	47	11	42	7	20	22
Invvoluntary	77	64	97	53	89	58	93	80	78
LENGTH OF TIME IN FOSTER CARE									
0-6 months	7	0	13	2	7	2	11	12	4
6-18 months	23	13	26	15	39	13	24	40	11
19-24 months	13	15	4	5	16	22	29	6	15
25-36 months	15	19	12	13	16	15	18	12	11
37-60 months	20	25	26	23	9	22	7	18	24
Over 60 months	23	27	19	42	13	26	11	12	35
NUMBER OF DIFFERENT LIVING ARRANGEMENTS									
1	28	12	25	17	63	34	21	22	30
2	30	18	44	26	19	34	39	36	30
3-5	31	46	28	40	16	23	39	32	30
6-10	7	11	3	16	2	5	2	6	11
> 10	3	14	0	2	0	5	0	4	0
REASON FOR RECENT PLACEMENT IN FOSTER CARE									
Child behavior/disability	10	14	5	2	4	29	22	0	9
Valid report of child abuse	20	20	16	18	39	5	22	24	17
Valid report of child neglect	40	35	57	38	39	18	38	56	33
Other parent reason	30	31	21	42	18	48	17	20	41
MOST RECENT LIVING ARRANGEMENT									
Foster/adoptive home	80	86	75	82	82	66	80	82	90
Emergency shelter	3	0	10	2	2	0	0	6	0
Group home	6	8	1	10	4	18	9	3	0
Child care facility	10	6	13	3	12	16	11	12	6
Independent living	0	0	0	3	0	0	0	0	2
Runaway	0	1	0	0	0	0	0	0	2
TOTAL NUMBER OF RESPONDENTS	(450)	(67)	(69)	(60)	(57)	(46)	(45)	(50)	(54)

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Table 5-12. Percentage distribution of children in Arizona by selected placement history characteristics

	ARIZONA	
	Case record %	State total* %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	14	NA
Child abuse	20	NA
Child neglect	35	NA
Other parental reason	31	NA
LENGTH OF TIME IN FOSTER CARE		
0-5 months	0	62
6-11 months	3	8
12-23 months	24	10
24-35 months	21	6
36-65 months	25	7
60 months +	27	6
NUMBER OF LIVING ARRANGEMENTS		
1	12	NA
2	18	NA
3-5	46	NA
6 or more	25	NA
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	86	53[1]
Emergency shelter	0	
Group home	8	7
Child care facility	6	17
All other	1	23
TOTAL NUMBER OF RESPONDENTS	(67)	(1,150)
Time frame for state totals is 10/1/81 - 9/30/82		

*State totals are estimates provided by the state.

[1]Emergency shelter placement numbers are divided between foster/adoptive homes and child care facilities.

Table 5-13. Percentage distribution of children in San Francisco County and California by selected placement history characteristics

	SAN FRANCISCO COUNTY, CALIFORNIA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	5	15
Child abuse	16	17
Child neglect	57	27
Other parental reason	21	18
Unknown		21
LENGTH OF TIME IN FOSTER CARE		
0-5 months	9	17
6-11 months	25	16
12-23 months	9	16
24-35 months	13	10
36-65 months	26	9
60 months +	19	12
Unknown		21
NUMBER OF LIVING ARRANGEMENTS		
1	25	60
2	44	17[1]
3-5	28	16[2]
6 or more	3	5
Unknown		4
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	75	74
Emergency shelter	10	--[3]
Group home	1	21
Child care facility	13	--[4]
All other	0	4
Not known		1
TOTAL NUMBER OF RESPONDENTS	(69)	(31,288)
Time frame for state totals is 9/30/82		

[1] Includes 3-4 placements.

[2] Includes 5 or more placements.

[3] Includes child in child care facility and portion of emergency shelter care.

[4] Includes some emergency shelter care placements.

Table 5-14. Percentage distribution of children in District of Columbia by selected placement history characteristics

	DISTRICT OF COLUMBIA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disorder	2	NA
Child abuse	18	NA
Child neglect	38	NA
Other parental reason	42	NA
LENGTH OF TIME IN FOSTER CARE *		
0-5 months	9	NA
6-11 months	25	NA
12-23 months	9	NA
24-35 months	13	NA
36-65 months	26	NA
60 months +	19	NA
NUMBER OF LIVING ARRANGEMENTS		
1	17	NA
2	26	NA
3-5	40	NA
6 or more	18	NA
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	82	70
Emergency shelter	2	0
Group home	10	18
Child care facility	3	7
All other	3	4
TOTAL NUMBER OF RESPONDENTS	(60)	(2,145)
Time frame for state totals is 10/1/81 - 9/30/82		

* The agency reported in 1982, that average length of time in care for the total foster care population was 5.1 years.

Table 5-15. Percentage distribution of children in Louisiana by selected placement history characteristics

	LOUISIANA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disorder	4	4
Child abuse	39	20
Child neglect	39	53
Other parental reason	18	26
LENGTH OF TIME IN FOSTER CARE		
0-5 months	7	15
6-11 months	21	13
12-23 months	32	16
24-35 months	19	13
36-65 months	9	16
60 months +	12	28
NUMBER OF LIVING ARRANGEMENTS		
1	63	40
2	19	27
3-5	16	24
6 or more	2	5
Unknown		4
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	82	84
Emergency shelter	2	3
Group home	4	11
Child care facility	12	3
All other	0	0
TOTAL NUMBER OF RESPONDENTS	(59)	(6,479)
Time frame for state totals is 4/1/82 - 3/31/83		

Table 5-16. Percentage distribution of children in Louisiana by selected placement history characteristics

	MONTANA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	29	29
Child abuse	5	15
Child neglect	18	31
Other parental reason	48	25
LENGTH OF TIME IN FOSTER CARE		
0-5 months	2	33
6-11 months	2	17
12-23 months	30	20
24-35 months	11	8
36-65 months	28	8
60 months +	26	13
NUMBER OF LIVING ARRANGEMENTS		
1	34	73
2	34	20
3-5	23	7
6 or more	10	0
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	66	71
Emergency shelter	0	3
Group home	18	10
Child care facility	16	17
All other	0	0
TOTAL NUMBER OF RESPONDENTS	(46)	(916)
Time frame for state totals is 7/1/82 - 12/31/82		

Table 5-17. Percentage distribution of children in North Dakota by selected placement history characteristics

	NORTH DAKOTA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	22	20
Child abuse	22	--
Child neglect	38	48
Other parental reason	17	32
LENGTH OF TIME IN FOSTER CARE		
0-5 months	9	26
6-11 months	4	17
12-23 months	49	19
24-35 months	20	10
36-65 months	7	13
60 months +	11	15
NUMBER OF LIVING ARRANGEMENTS		
1	21	76
2	39	19
3-5	39	5
6 or more	2	0
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	80	81
Emergency shelter	0	0
Group home	9	9
Child care facility	11	10
All other	0	0
TOTAL NUMBER OF RESPONDENTS	(45)	(713)
Time frame for state totals is 1/1/81 - 12/31/82		

Table 5-18. Percentage distribution of children in South Carolina by selected placement history characteristics

	SOUTH CAROLINA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	0	NA
Child abuse	24	NA
Child neglect	56	NA
Other parental reason	20	NA
LENGTH OF TIME IN FOSTER CARE		
0-5 months	12	21
6-11 months	18	12
12-23 months	26	13
24-35 months	14	13
36-65 months	18	15
60 months +	12	25
NUMBER OF LIVING ARRANGEMENTS		
1	22	NA
2	36	NA
3-5	32	NA
6 or more	10	NA
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	82	74[1]
Emergency shelter	6	
Group home	0	7
Child care facility	12	7
All other	0	13
TOTAL NUMBER OF RESPONDENTS	(67)	(2,925)
Time frame for state totals is 7/1/81 - 6/30/82		

[1] Emergency shelter placement numbers are divided between foster/adoptive homes and child care facilities.

Table 5-19. Percentage distribution of children in Virginia by selected placement history characteristics

	VIRGINIA	
	Case record %	State total %
REASON FOR PLACEMENT IN FOSTER CARE		
Child behavior/disability	9	14
Child abuse	17	62[1]
Child neglect	33	--
Other parental reason	41	24
LENGTH OF TIME IN FOSTER CARE		
0-5 months	4	
6-11 months	2	23
12-23 months	24	16
24-35 months	11	11
36-65 months	22	14
60 months +	37	36
NUMBER OF LIVING ARRANGEMENTS		
1	30	NA
2	30	NA
3-5	30	NA
6 or more	11	NA
Unknown		
MOST RECENT LIVING ARRANGEMENTS		
Foster/adoptive home	90	77
Emergency shelter	0	1
Group home	0	--
Child care facility	6	12[2]
All other	4	9
Not known		1
TOTAL NUMBER OF RESPONDENTS	(54)	(6,890)
Time frame for state totals is 10/1/81 - 9/30/82		

[1]Includes percent for child neglect.

[2]Includes children in group homes.

for each study state sample. Tables 5-12 to 5-19 illustrate how the placement history characteristics of the study sample reflect the percentage distribution of each state's total substitute care population. Initial placement percentages were not collected for the state's total substitute care population.

The definitions of the placement history characteristics collected for the state samples are presented in Exhibit 5-1. Any differences of definitions for the state totals will be noted in the specific sections describing the percentage distributions.

Type of Initial Placement

Overall, 77 percent of the sampled cases were initially placed in substitute care involuntarily. Voluntary placement status was lowest in San Francisco County (3 percent) and North Dakota (7 percent) with the highest voluntary placement rate found in the cases sampled in the District of Columbia (47 percent) and Montana (42 percent).

Length of Time in Care

The average length of time in care (mean) for the overall sampled cases was 47.4 months. The median for this group was somewhat lower at 29.5 months. The mean and median months of time in care for the sampled children by state is presented in Table 5-20. As is to be expected the median months in care are substantially lower than the mean for each state. Louisiana, North Dakota and South Carolina all reported the lowest median (under two years) and mean (approximately 2-1/2 years) length of time in substitute care. As discussed earlier, both Louisiana and South Carolina reported a higher percentage of younger

Exhibit 5-1. Definitions of Placement History Characteristics Used in the Case Record Abstracts

1) Initial Placement: Whether the first placement of the child outside his/her own home was voluntary or involuntary (court ordered).

2) Length of Time in Care: The total number of months a child has been in substitute care since the date of initial placement. This length of time does include reentry episodes but the time the child spent in in-home placements has been subtracted.

3) Number of Different Living Arrangements: The number of moves to different living arrangements experienced by a child during his entire stay in foster care.

4) Most Recent Living Arrangement: Definitions for each category of living arrangement are:

   - Foster/adoptive homes - includes placement in licensed, unlicensed, and adoptive homes not yet finalized.
   - Emergency Shelter - includes a facility providing emergency, temporary care.
   - Group home - A licensed or approved home providing 24-hour care for children in a small group setting that generally has from seven to twelve children.
   - Child Care Facility - A facility providing 24-hour care and/or treatment for children who require separation from their homes. These facilities may include: child care institution, residential treatment facility, maternity homes, etc.
   - Independent Living - An alternative transitional living arrangement in which the child is provided the opportunity for increased responsibility for self care and is receiving financial support from the child welfare agency.
   - Runaway - The child ran away from the substitute care placement where he or she was residing.

5) Reason for Recent Placement in Foster Care: The reported reason for the most recent removal of a child from his/her own home into a substitute care living arrangement.

Table 5-20. Mean and median months in care of case record sample by state

State	Mean	Median
Arizona	53.6	37.7
San Francisco County, CA	40.4	30
District of Columbia	74.6	53.5
Louisiana	32.9	19.2
Montana	54.1	36.1
North Dakota	29.5	19.7
South Carolina	30.9	18
Virginia	58.3	44.5

children in care. Although North Dakota's sample did not represent as young a population, 60 percent of the children in North Dakota sample were 12 and under.

The four states reporting the highest mean and median time in care, Arizona, District of Columbia, Montana and Virginia also reported the highest mean age for children sampled; Arizona (13), District of Columbia (13), Montana (14), and Virginia (12).

The average length of time (mean) for the total substitute care populations was provided by the states of Arizona, Montana, North Dakota and Virginia. A comparison between the Case Record Sample and the total substitute care population for these states is outlined below:

State	Case Record Sample	State Total
Arizona	53.6 months	36.7 months
District of Columbia	74.6 months	66 months
Montana	54.1 months	17 months
North Dakota	29.5 months	22.5 months
Virginia	58.3 months	53 months

The case record sample for each of these four states includes children who have been in substitute care for a greater period of time than the overall substitute care populations. In two of the states, Arizona and Montana, the differences are substantial. As described earlier, the sampled substitute care cases represent children who were in care long enough to have had a dispositional hearing. This phenomena eliminates the children in care for short time periods (i.e., limited voluntary placements), thus raising the average time spent in care.

In looking at the percentage distribution of time spent in care for the sampled cases, as they compare to each state's

total substitute care population, it must be noted that State totals represent continuous time spent in out-of-home care since the most recent entry into substitute care.

Number of Different Living Arrangements

Fifty-eight percent of the sampled cases had 1-2 different living arrangements while in substitute care with 31 percent experiencing 3-5 placements, 7 percent experiencing 6-10 placements and 3 percent experiencing more than 10 placements. The District of Columbia had the highest percentage of children, 16 percent with 6-10 different living arrangements, and Arizona had the highest percentage of children with more than 10 living arrangements (14 percent). The average number of different living arrangements for the entire sample is 1.2.

Foster care research has shown that children who remain in substitute care longer are less likely to experience continuity in their living arrangements. The four states reporting the highest mean and median time in care, Arizona, District of Columbia, Montana and Virginia, also reported the greatest percentage of children experiencing six or more different living arrangements (Arizona 25 percent, District of Columbia 18 percent, Montana 10 percent and Virginia 11 percent).

It should be noted that South Carolina reported 10 percent of the children having six or more different living arrangements and only reported an 18 month median time in foster care. However, 30 percent of the children in South Carolina had been in care three years or longer. Louisiana reported the shortest average length of time in care with 63 percent of the sample having only one living arrangement.

Percentage distribution for the number of different living arrangements for the total substitute care populations in Arizona, District of Columbia, South Carolina and Virginia were not provided. For the remaining states, all except the state of Louisiana, reported that the majority of children in substitute placement had only one living arrangement; Montana (73 percent), North Dakota (76 percent), California (60 percent) and Louisiana (40 percent).

Reason for Recent Placement in Foster Care

The case record abstract form included 12 alternatives for the reason for placement in foster care. For analysis purposes, these alternatives were collapsed into the following categories:

- The child's behavior or disability;
- Validated Report of Child Abuse;
- Validated Report of Child Neglect; and
- Other Parental Reason.

Other parental reason includes housing, financial problems, illness or substance abuse, death, temporary absence, and relinquishment of parental rights.

Overall, 40 percent of the 446 cases were placed in care because of a validated report of child neglect. San Francisco County (57 percent) and South Carolina (56 percent) reported the highest percentage of child neglect as reason for placement.

Other parental reason represents the next highest overall percentage (30 percent) for reason for placement. Many alternatives are included in this category; however, 10 percent of all the cases reported the reason for placement as parental illness or substance abuse. This overall percentage does not include the cases in which the valid report of child neglect may have been due to substance abuse. Therefore, the percentage of children in care due to parental substance abuse or illness may be even greater than 10 percent. (The District of Columbia (18 percent), Montana (21 percent) and Virginia (15 percent) reported the highest percentage of substance abuse as the other parental reason for placement in substitute care.) Child behavior problem or disability was the least reported reason for placement in substitute care. Montana reported the greatest percentage (29 percent) of cases in care due to the child's behavior or disability. Montana's sampled cases also had the highest mean and median age of children in care.

Information on reason for placement was not available for Arizona, District of Columbia and South Carolina. The other five states have similar percentage distributions for state totals and the case record sample for reason for placement.

Most Recent Living Arrangement

Eighty percent of the cases sampled were residing in a foster home or not yet finalized adoptive home. The sampled population from Montana had the highest percentage of children living in group homes (18 percent) and child care facilities (16 percent). As noted earlier, 83 percent of Montana's sampled cases were 13-18 years of age. The National Study of Social Services to Children and Their Families (Shyne and Schroeder,

August 1978) and the Child Welfare Indicator Survey (Maximus, 1983) both indicate that the greater percentage of children living in group home and residential settings are the teenage substitute care population.

The study states reported that seventy-three percent of the total substitute care population resided in foster family or non-finalized adoptive homes. Although this percentage is lower than the state samples, it must be noted that some of the categories for the state totals overlapped (i.e., in Arizona emergency shelter placements were included in both child care facilities and foster/adoptive homes). In comparing the state's sampled cases with the total population the footnotes for each table must be taken into consideration.

The above sections have described the overall demographic and placement history characteristics of the case record sample. The following chapter will discuss how these characteristics are related to the decisions made at the dispositional hearings.

6. DECISION MAKING AT THE HEARINGS: THE CASE RECORD ABSTRACTS

This chapter focuses on the decisions of the hearings. Information is presented on the relative frequency of the various decisions among the cases abstracted and on the variation in case characteristics among those having different decisions. Comparisons are also made between the actual hearing decision and three other recommendations: the initial case plan goal, the periodic review recommendation and the agency recommendation to the hearing itself.

The information presented in this chapter is descriptive. Appendix B presents the results of an exploratory discriminant analysis of the factors associated with differences in hearing decision.

6.1 The Distribution of Hearing Decisions

Table 6-1 presents the decisions of the hearings by state. This table excludes 16 cases in which the child became emancipated at the time of the hearing and 60 cases in which the hearing decision was not clear from the agency records. As can be seen in the table, in only about one-fourth of the cases was the hearing decision to return the child home. Eighteen percent had a decision of adoption or TPR, and 13 percent permanent foster care. For most of children, slightly less than half of the total (46 percent), however, the decision was continuation in foster care for a specified or unspecified time. Of those, continued in care only, 37 percent had a time frame to remain in care specified as part of the hearing decision (data not shown). Often the time specified was until the next scheduled court hearing.

Table 6-1. Hearing decision by state

Hearing decision	Percentage Distribution								
	Total	AZ	SF CA	DC	LA	MT	ND	SC	VA
Return home/permanent placement with relatives	24	11	54	14	32	3	21	33	20
Foster care continued	46	34	18	69	60	51	48	15	42
Permanent foster care	13	15	8	4	0	44	7	3	15
Adoption/TPR	18	7	20	12	8	3	24	50	24
Number of respondents*	(374)	(63)	(50)	(49)	(50)	(39)	(42)	(40)	(41)

The table indicates that states varied greatly in the prevalence of certain types of decisions. These differences must not be interpreted as indicating state overall patterns in frequency of returning children to parents, seeking TPR, or continuing foster care. Rather, they reflect in large part the fact that the states were in different phases of hearing implementation at the time of the study. For example, the sample in South Carolina includes a large number of cases in which the decision was either adoption or termination. This partly reflects the fact that South Carolina was in a transition period in implementing regularly scheduled court hearings for all children. Hence, in the counties we visited, the cases in which there had been hearings tended to be ones in which permanent custody decisions were being made or being recommended to be made. It is to be expected that in those states in which court hearings were occurring for all children at six month or yearly intervals, such as D.C. or Arizona, there would be more cases in

which the decision was continued foster care. Any interpretation of state differences in decisions must be considered in conjunction with the information on the prevalence and timing of the hearings for all children in care at the time of the study.

While there are serious limitations in drawing conclusions about the differences in hearing decision by state, information from the abstracts taken together can provide useful exploratory information on the characteristics of children likely to have a certain decision. Table 6-14 has been included at the end of this chapter to provide an overview of selected characteristics of children by hearing decision by state.

Utilizing the sample as a whole, the discussion to follow concentrates on looking at differences between case characteristics of children having different decisions at the hearings. Given the limitations of the sample due to the difference in utilization of the hearings in different states it must be considered exploratory.

6.2 Age, Length of Time in Care and Number of Placements by Decision

As can be seen from Table 6-2 those children being returned home or having TPR or adoption as a decision tended to be younger and to have been in foster care less time than those having a decision of continued foster care. The mean age for children having a decision of TPR/adoption was 6.4 years and that for those returned home was 9.4. This compares to a mean age of 12.2 for children continued in care and 14.8 for those in permanent foster care.

Table 6-2. Mean age in years by decision: total sample

Decision	Mean age in years (0 2 4 6 8 10 12 14 16 18)
Return home/relatives*	9.4 years
Continued foster care	12.2 years
Permanent foster care	14.8 years
Adoption/TPR	6.4 years
Total for sample[1]	10.2 years
Number of respondents (374)	

[1]Due to missing data for 60 cases and exclusion of 16 cases of emancipated children, the mean age reported in this table is slightly lower than for the entire sample.

The mean length of time in care for those returned home and for those in which the decision was TPR or adoption was very similar (35 and 39 months, respectively). This compares to 49 months for those in continued care and 57 months for those in permanent foster care (Table 6-3).

Table 6-3. Total time in foster care in months by decision

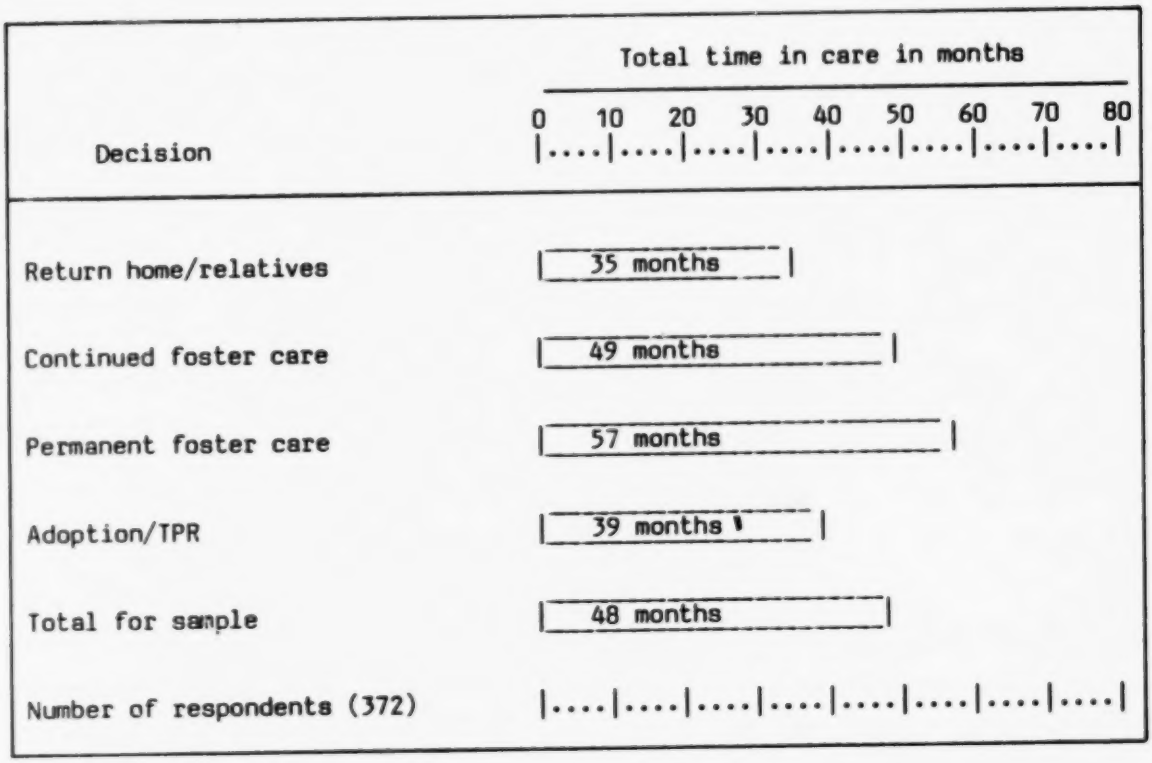


Table 6-4 presents the percent of children having had 3 or more placements by hearing decision. Differences are not large among the four decisions except in the case of permanent foster care. Consistent with the fact that those in permanent foster care had been in care a longer time, there were also a larger percent of children who had had 3 or more placements (51 percent compared to an average of 43 percent for the whole group).

Table 6-4. Percent having three or more placements by hearing decision: total sample

Decision	Percent having three or more placements (0 10 20 30 40 50 60 70 80)
Return home/relatives	43%
Continued foster care	44%
Permanent foster care	51%
Adoption/TPR	37%
Total for sample	43%
Number of respondents (367)	

6.3 Sex and Minority Group Membership by Decision

Differences in sex and racial/ethnic minority status are presented in Tables 6-5 and 6-6.

Table 6-5. Percent female by hearing decision: total sample

Decision	Percent female (0 10 20 30 40 50 60 70 80)
Return home/relatives	49%
Continued foster care	43%
Permanent foster care	50%
Adoption/TPR	38%
Total for sample	44%
Number of respondents (276) *	

Table 6-6. Percent minority by hearing decision: total sample

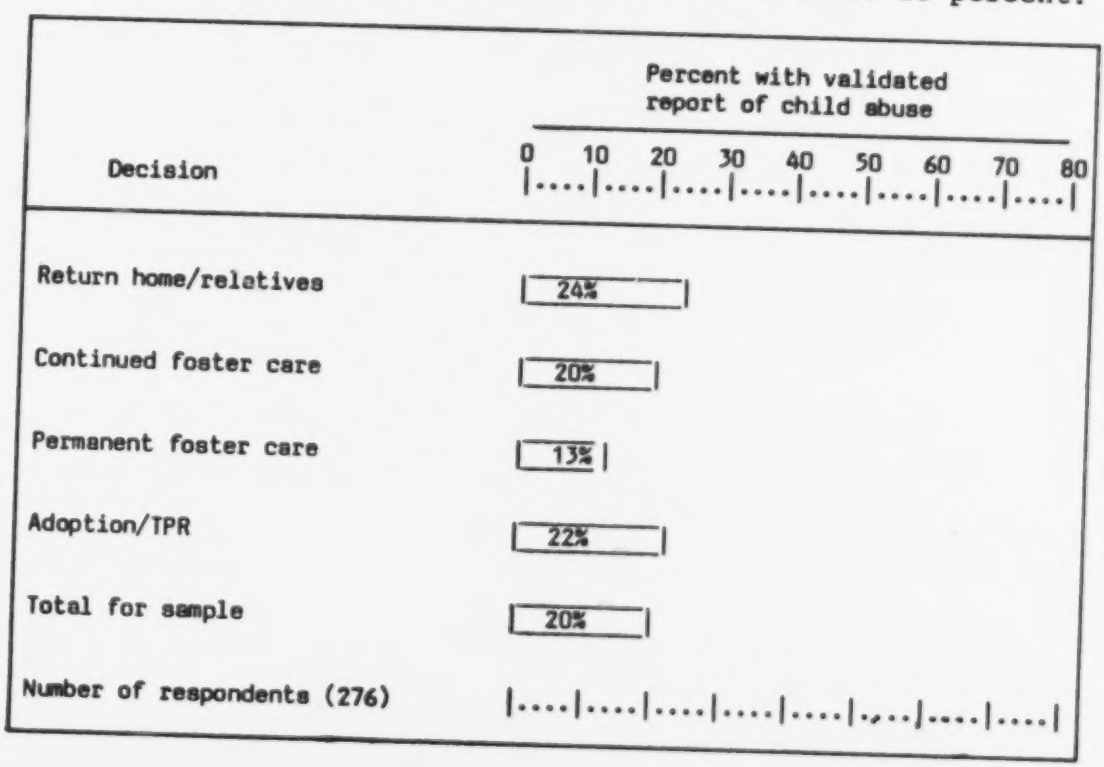
Decision	Percent minority (0 10 20 30 40 50 60 70 80)
Return home/relatives	61%
Continued foster care	49%
Permanent foster care	48%
Adoption/TPR	46%
Total for sample	51%
Number of respondents (373)	

* Data in this table is taken from discriminant analysis which included a substantially lower N.

Overall, differences in decisions by sex and ethnicity/race were not large. Females were slightly less likely to have a TPR or Adoption decision than males (38 percent of those having a TPR/adoption decision were female compared to 44 percent of the sample who were female). Minority children were somewhat over-represented in the number of children returned home. Fifty-one percent of the total sample were members of ethnic/racial minority group compared to 61 percent of those returning home (Table 6-5).

6.4 Child Abuse by Decision

Interestingly, those children returned home, continued in nonpermanent foster care and having a decision of TPR or adoption had very similar rates of having a substantiated report of child abuse, about 20-24 percent. Those children in permanent foster care, however, had a somewhat lower rate of 13 percent.



* Data from this table is taken from discriminat analysis which included a substantially lower N.

6.5 Disabling Condition by Decision

In our sample, children returning home were less likely to have a disabling condition reported than those in nonpermanent continued foster care, (27 percent compared to 55 percent) This category included both emotional, physical and learning disabling conditions. Of these the largest percent (23) were children with emotional problems. Of those in which the decision was permanent foster care, 40 percent were reported to have a disabling condition and of those adopted, 36 percent. It had been expected that the category of permanent foster care would include a larger percentage of children with disabling conditions.

Table 6-8. Percent having reported disabling condition by decision*

Decision	Percent having disabling condition (0 10 20 30 40 50 60 70 80)
Return home/relatives	27%
Continued foster care	55%
Permanent foster care	40%
Adoption/TPR	36%
Total for sample	42%
Number of respondents (276)	

*Includes emotional, physical, and learning disabilities.

** Data from this table was taken from discriminate analysis which included a substantially lower N.

6.6 Decisions at the Hearings Compared to Agency Goals and Recommendations

Tables 6-9 and 6-10 compare the agreement between initial case plan goal, periodic review decision closest to the hearing, and agency recommendation for the hearing with the decision at the most recent dispositional hearing. As expected the level of agreement increases as the recommendation gets closer to the hearing. The overall level of agreement between the initial goal and the hearing decision was 35 percent, between the periodic review recommendation and the hearing, 77 percent and between the agency recommendation to the hearing and the hearing decision, a very high 88 percent. A discussion of the differences gives insight into the progression of cases and the types of differences between what the agency recommends and the court decides.

6.6.1 Case Plan Goals Compared to Hearing Decisions

Overall, the initial case plan goal was to return the child home in 67 percent of the cases. In 24 percent of the cases it was long term foster care and in 9 percent adoption/TPR. By definition the initial case plan goal was never continued foster care. As indicated in Table 6-9 of the children having a decision of return home, 93 percent had had a goal of return home; however, only 33 percent of those having this goal initially also had a hearing decision of return home. Table 6-10 includes a comparison of the percentage distribution of case plan goals with hearing decisions.

Comparison of the goal with the hearing decision indicates the fact that adoption/TRP developed as the decision in certain cases in which the initial goal was return home or permanent care. It also indicates that permanent foster care agreements were somewhat more frequently a goal than could be attained by the time of the hearing.

6.6.2 Periodic Review Recommendations

As can be seen from Table 6-9 the percentage distribution of periodic review recommendations becomes close to that of the hearing decision. The differences are not statistically significant, but the periodic review slightly more frequently recommended permanent foster care or adoption/TPR, and slightly less frequently recommended continued nonpermanent care than the hearing decision.

6.6.3 Agency Recommendation at the Hearing Compared to Hearing Decision

As seen in Table 6-9 and 6-10 the percentage distribution of the agency recommendation at the hearing, compared to that of the actual hearing decision is very much the same. The slight differences indicate that the agency slightly more frequently recommended that there be permanent foster care, adoption/TPR or return home than actually resulted in a hearing decision to that effect. The actual hearing decision was thus slightly more frequently continued care than was recommended by the agency. This reflects the fact that recommendations may be goals while hearings decisions take into account reality and what can be accomplished at the time. This finding, however, should dispell any notion that the hearings are resulting in large reversals of agency recommendations of continuing foster care.

Table 6-9. Percentage distribution of case plan goals, periodic review recommendation, agency recommendation and hearing decision

Goal/Recommendations Decisions	Percentage Distribution			
	Case plan goal	Periodic review recommendation	Agency recommendation to hearing	Hearing decision
Return home/relatives	67	22	24	23
Continued foster care	0	37	39	45
Permanent foster care	24	18	16	13
Adoption/TPR	9	23	21	19
Number of cases*	(340)	(321)	(360)	(360)

*N varies due to item nonresponse.

Table 6-10. Comparison of initial case plan goal, periodic review recommendation, and agency recommendation to the hearing with actual hearing decision: total sample

Initial Case Plan Goal	Hearing Decision Percentage Distribution				
	Total	Return home/ relatives	Continued care	Permanent care	Adoption TPR
Return home/relatives	67	93	64	26	71
Permanent foster care	24	7	29	62	9
Adoption	9	0	7	13	21
Percent of sample		24	42	14	20
Number of cases	(340)	(81)	(144)	(47)	(68)

Recommendation of Periodic Review	Hearing Decision Percentage Distribution				
	Total	Return home/ relatives	Continued care	Permanent care	Adoption TPR
Return home/relatives	22	72	8	2	3
Continued foster care	37	18	70	2	14
Permanent foster care	18	6	10	95	0
Adoption/TPR	23	4	12	0	83
Percent of sample		24	42	13	21
Number of cases	(321)	(78)	(135)	(42)	(66)

Agency Recommendation for Hearing	Hearing Decision Percentage Distribution				
	Total	Return home/ relatives	Continued care	Permanent care	Adoption TPR
Return home/relatives	24	92	6	0	0
Continued foster care	39	9	80	4	3
Permanent foster care	16	0	7	96	0
Adoption	21	0	7	0	97
Percent of sample		23	45	13	19
Number of cases	(360)	(82)	(163)	(48)	(67)

6.7 Persons Present at the Hearings

Tables 6-11 and 6-12 present the people reported present at the hearings by hearing decision and by state. One of the findings of the Festinger study of review hearings in N.Y. was that hearings in which the parent was present more frequently resulted in a decision of return home. Consistent with this, our study found that parents were more frequently present in cases in which the return home was the decision at the hearings, however, this appears to be more related to the parents general involvement with the child than simply appearing at the hearing. This is indicated by the discriminant analysis of factors related to hearing decision (See Appendix B). As can be seen from the tables, overall attorneys were present in 31 percent of the cases for the parents, 40 percent of the cases for the agency, and 48 percent for the children. Attorneys were much less frequently present when the decision was permanent foster care. As might be expected attorneys for the parent were somewhat more frequently present when the decision was to return home. As the table indicates there is considerable difference in the use of attorneys by state. Virginia and Montana least frequently had attorneys present. The District of Columbia and North Dakota most frequently had an attorney or guardian ad litem for the child.

6.8 Implementation of the Hearing Decision

Table 6-13 presents information concerning implementation of the hearing decision as it could be determined from the case record abstract. Overall, it was reported that the decision was implemented in 84 percent of the cases. In seven percent of the cases the abstractor was unable to determine if the hearing decision had been implemented and in 9 percent of the cases it was reported that the hearing had not yet been implementated. As expected the decision least frequently implemented was TPR/Adoption. Only 68 percent of the decisions calling for TPR or adoption had

Table 6-11. People present at disposition hearing by decision

People present at dispositional hearing	Total %	Return home %	Continue in foster care %	Permanent foster care %	Adoption/ TPR %
Legal parents	38	59	40	13	25
Foster parents	17	9	20	13	21
Child	19	19	25	11	10
Case worker	80	64	87	83	81
Supervisor	31	30	25	43	39
Parents' attorney	31	45	33	6	28
Agency attorney	40	48	29	34	58
Guardian ad litem/ child's attorney	48	53	53	17	54
Total cases represented	(353)	(85)	(154)	(47)	(67)

Table 6-12. People present at disposition hearing by state

People present at dispositional hearing	Total	Arizona %	San Francisco County, California %	District of Columbia %	Louisiana %	Montana %	North Dakota %	South Carolina %	Virginia %
Legal parents	37	15	16	35	79	7	75	51	27
Foster parents	15	29	0	7	7	11	25	13	35
Child	19	36	0	9	39	7	23	11	30
Case worker	78	95	8	86	96	93	89	78	100
Supervisor	29	3	0	0	13	89	50	64	51
Parent's attorney	30	7	14	29	82	0	60	49	3
Agency attorney	37	53	21	2	46	5	87	78	8
Guardian ad litem/ child's attorney	46	15	2	91	80	9	93	76	8
Other	33	34	78*	5	12	45	30	38	(37)
Total cases represented	(401)	(59)	(63)	(55)	(54)	(44)	(44)	(45)	(0)

*Court liaison usually attends representing the case worker in San Francisco.

Table 6-13. Implementation of hearing decision by hearing decision

	Hearing Decision				
		Return home/ relatives	Continued foster care	Permanent foster care	Adoption/ TPR
	Total	Percent	Percent	Percent	Percent
Implemented	84	90	85	94	68
Not Implemented	9	10	4	0	27
Unable to determine	7	0	11	6	5
Number of cases	(367)	(87)	(167)	(47)	(66)

been implemented by the time of case abstraction. In interpreting these results it should be kept in mind that only those cases in which hearings had been held in the preceeding year were included in the case record abstraction. Many of the cases had only recently had hearings at the time of our study.

The most frequent reason given for non-implementation was that the agency was working still to arrange implementation. Other reasons mentioned were, changes in the case, lack of resources, attorney delays, and child refusal or runaway.

These results indicate that for most of the children (42 percent) having hearings in our sample the hearing decision was not a permanent placement but rather continued foster care.

Table 6-14. Selected characteristics of children by hearing decision by state

MEAN AGE IN YEARS

	Total	Arizona	San Francisco County, California	District of Columbia	Louisiana	Montana	North Dakota	South Carolina	Virginia
Return home/relative	9.5	14.4	9.7	9.7	8.4	15.0	9.1	6.4	11.3
Continued foster care	12.2	12.8	7.8	13.3	10.0	15.0	12.0	8.1	13.5
Permanent foster care	14.8	15.6	12.8	10.0		15.4	17.0	13.0	13.1
Adoption/TPR	6.4	9.4	4.5	3.5	7.8	1	4.8	7.6	6.6
Total for sample**		13.3	8.5	11.5	9.3	14.8	10.0	7.5	11.3
Number of cases	(374)	(63)	(50)	(49)	(50)	(39)	(42)	(40)	(41)

PERCENT HAVING THREE OR MORE PLACEMENTS

	Total	Arizona	San Francisco County, California	District of Columbia	Louisiana	Montana	North Dakota	South Carolina	Virginia
Return home/relative	43	100	30	72	13	100*	56	39	63
Continued foster care	44	68	50	63	21	26	30	50	35
Permanent foster care	51	80	50	100	NA	35	0	0	33
Adoption/TPR	37	57	10	17	25	0	50	43	40
Total for sample**	43	73	31	60	18	32	39	45	41
Number of cases	(367)	(62)	(49)	(47)	(49)	(38)	(41)	(40)	(41)

*N = only one case.

TOTAL MEAN TIME IN FOSTER CARE IN MONTHS

	Total	Arizona	San Francisco County, California	District of Columbia	Louisiana	Montana	North Dakota	South Carolina	Virginia
Return home/relative	35	29	50	42	23	20	23	22	44
Continued foster care	49	55	32	74	28	42	28	24	69
Permanent foster care	57	71	98	110	0	80	86	44	111
Adoption/TPR	39	37	38	38	39	17	22	47	42
Total for sample**	48	54	48	66	27	57	30	35	64
Total number of cases	(372)	(63)	(50)	(49)	(40)	(39)	(42)	(40)	(41)

PERCENT ETHNIC/RACIAL MINORITY**

	Total	Arizona	San Francisco County, California	District of Columbia	Louisiana	Montana	North Dakota	South Carolina	Virginia
Return home/relative	61	14	85	100	38	100*	33	77	38
Continued foster care	49	29	78	94	50	20	10	50	59
Permanent foster care	48	60	50	100	NA	35	0	100	67
Adoption/TPR	46	29	70	100	100	0*	0	40	80
Total for sample**	51	35	78	96	42	28	12	53	61
Number of cases	(373)	(63)	(50)	(48)	(50)	(39)	(42)	(40)	(41)

* N = only one case.
**Data for state age, time in care, number of placements and ethnic status differs from that in Chapter 5 due to the exclusion of 16 emancipation cases and 60 cases in which hearing decision was not ascertained or unclear from records.

7. CONCLUSIONS AND ISSUES TO BE ADDRESSED

In presenting the conclusions and issues to be addressed this chapter incorporates information obtained from the national telephone study, the statutes review, the interviews with court and agency personnel of the eight study states and the case record abstracts.

7.1 Overview

The passage of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, represented the culmination of years of increasing attacks on the problems of foster care children. It became apparent that major federal reforms were necessary if change was to take place. The Act comprehensively addresses the major systematic problems in the child welfare system by attempting to propose reforms at various points in the placement process, starting with preventing children from entering the system and including a case review process. This process requires as a condition for additional funding the procedural safeguards of a dispositional hearing by a court or court approved body within 18 months of a child's placement and periodically thereafter, if the child continues in care. This study has focused on this dispositional hearing component PL-96-272.

Congress heard extensive testimony that once a child is in care for 18 months, the child is much less likely to return to the parents or be placed in another permanent home. Therefore, Congress required that there be a hearing before 18 months. According to The Congressional Record the purpose of the hearing was to determine whether the child should be returned to his or her home; whether the child requires continued placement for a specified period not to exceed six months, except where the

court or administrative body determines there are special circumstances which prevent immediate return to a parent; whether the child should be placed with a legal guardian; whether proceedings should be initiated to terminate parents' custody rights so the child can be free for adoption; or whether a child should be placed in permanent long-term foster care placement because the child cannot or should not be returned home or placed in an adoptive home.[1]

The majority of the people interviewed for this study, expressed the view that there was strong or moderate support for both the concept and practice of court-based hearings for foster care placements.

- On the national telephone survey, 96 percent of agency representatives and 92 percent of judges interviewed expressed moderate or strong support for holding the hearings;
- About 70 percent of court and agency respondents of the national telephone survey expressed strong support;
- On the in-depth opinion surveys, 80 percent of agency and 87 percent of the court personnel reported high or moderate support for the hearings.

Not only was there support but there has been substantial action in the states to implement court proceedings and come into compliance with P.L. 96-272 requirements. The national telephone survey results and statutory review indicated:

- Seventy-five percent of states reported some modification of law or policy in order to meet the dispositional hearing requirements. Only one

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[1] House of Representatives No. 136, 96th Congress, 1st Session. 50(1979)

state reported all dispositional hearing components were in place prior to 1980.

- Thirty-eight states have statutes mandating court review within 18 months. However, a substantial number of states do not require by statute a decision of the child's future status at or before eighteen months.

- Only 17 states have statutory requirements to hold hearings by courts or court appointed bodies at which they are required to make a decision on the future status of the child from specified alternatives.

- The component of the law which was least frequently agreeable to agency representatives was that the hearing include all children in care; 28 percent did not agree with this component. The component least agreeable to the judges was that the hearing take place within 18 months. Many felt that this was too long a time frame or that it should vary by case. Thirty-six percent of the judges did not agree with this component.

While it appears that some type of judicial hearings are occurring in almost all states, the extent to which the law has been implemented varies tremendously. The major variation in state implementation is the role the dispositional hearing plays in a state's case review system.

P.L. 96-272 states that the dispositional hearing "shall determine the future status of the child." The law specifies that this may include, but not be limited to, whether the child should be returned home, placed for adoption, or remain in foster care for a specified period of time.

The language of the law has resulted in a wide variety of interpretations of the purpose of the hearings. One perspective, suggested by a review of the legislative history, views the dispositional hearing as a "fish or cut bait" situation, in

which a decision is made concerning whether the child should be returned home or another permanent arrangement be made. In only certain special circumstances would the child be continued in nonpermanent foster care for a specified time.

An alternative interpretation is that the dispositional hearing is a point at which a critical look is taken at the child's current status and a special assessment made of permanent plans for the child. This interpretation stops short, however, of forcing a definite decision as to the direction permanent custody will take at that time. Still another view is that the dispositional hearing is simply a time when the court reviews in a formal hearing the progress of the agencies' plan for the child.

It was clear from our study that in almost all states, the hearing was viewed as being focused on the development of a permanent plan for each child in care. This was manifest in the fact that when respondents of the national telephone survey were asked "whether the hearing resulted in a decision on what should be the permanent plan for the child," 82 percent responded with an unqualified "yes." However, in most states this approach stopped short of being a definite decision point at which a specific permanent alternative had to be chosen. Rather it more closely resembled ensuring that there was some articulable and appropriate case plan goal at that time.

Generally, where there was a judicial or other foster care review system already established prior to passage of P.L. 96-272, the hearings resembled a periodic review or often simply provided for extension of the foster care order for an additional year if "the original purposes for foster care had not yet been fulfilled." In general, these existing laws do not require a decision at a specific point in time about the child's permanent

home from among specified "permanent placement" alternatives nor do they specifically require or authorize the court to take steps to see that the decision is implemented by the agency. Many states are continuing to use these hearings as their dispositional hearings.

7.2 Major Findings of Selected State Surveys

The functioning of the hearings within eight states has been discussed in this volume. The major findings from the opinion questionnaires and case record abstracts on how the hearings are functioning include:

OPINION SURVEY RESULTS

- Less than a third of court personnel interviewed had any orientation to P.L. 96-272 and only slightly more than one-half had permanency planning training.
- Eighty-three percent of agency personnel had permanency planning training but only 37 percent had orientation to P.L. 96-272.
- Perceptions of authority of the hearings were especially low in that state in which court appointed bodies conducted the hearings.
- While about two-thirds of respondents indicated that the number of hearings had increased since 1980, only about 17 percent of agency and court respondents indicated there had been any increase in court funding.
- A majority of agency and court respondents perceived holding the hearings to have an impact on the overall system in the direction of increasing the number of cases in which the child is returned home and the number of termination (TPR) cases.
- However, when asked about the impact on their own cases, a majority of agency respondents stated that the length of time before filing TPR and the length of time before recommending return home was not affected.

- Three major perceived benefits of holding hearings were agency accountability, permanency plan priority, and preventing foster care drift.

- The major problems in implementation were increased workload, procedural problems, lack of funding and training.

- When asked what was needed for assistance to states, state agency administrators most frequently mentioned clarification of the law. Agency caseworkers most frequently mentioned training and court respondents most frequently mentioned funding.

- Slightly less than a majority in all sites but San Francisco, California, stated that hearings often or usually resulted in a definite decision as to permanent plan.

- About two-thirds of agency and slightly less than half of court respondents reported delays in hearings. Of these, a majority of the states indicated delays occurred in more than ten percent of the cases.

- Overall, 63 percent of agency and 76 percent of court respondents indicated that legal representatives were usually or often adequate. The case record abstract indicated that legal counsel was present for the child in 48 percent of cases and for the parent in 31 percent of the cases.

- Legal representation was seen as usually adequate for parents by only 66 percent of court respondents. About 80 percent saw legal representation as adequate for children and the agency.

- Eighty-nine percent of agency and 75 percent of court respondents believed there was a point in time at which they had to make a decision concerning the child's case.

- Seventy-three percent of agency and 58 percent of the court respondents stated the hearing decision infrequently or never differed from agency recommendations.

CASE RECORD ABSTRACT RESULTS

- For most children (slightly less than half, 46 percent), the hearing decision was continued foster care for specified or nonspecified time frame. An additional 13 percent had a decision of permanent foster care.

- For only about one-fourth of the cases the hearing decision was return home, while 18 percent had a decision of TRR/adoption.

- Children having a decision of return home were on the average of three years younger than those having a decision of continued care. The average age for children having TRR or adoption as a decision was 6.4 and for permanent foster care 14.8.

- Children returned home, continued in care and having TRR or adoption as a decision had very similar rates of having substantial reports of child abuse (20-24 percent).

- Children having a disabling condition returned home less frequently. Of those returned home, 27 percent had disabling conditions compared to 55 percent of those remaining in care.

- Sixty-seven percent of cases had an initial goal of return home. Thirty-three percent of these had a decision of return home.

- Overall, the periodic review recommendation agreed with the hearing decision in 77 percent of the cases.

- Overall, in 88 percent of the cases the agency recommendation to the hearing was the same as the hearing decision. In cases in which the decision was return home the agreement was 92 percent. When the decision was TRR/adoption agreement was 97 percent and in permanent foster care, 96 percent.

- Agreement of hearing decision with agency recommendation occurred least frequently (in 80 percent of cases) when the decision was continued foster care. The agency less frequently recommended continued foster care than the decision order.

- Parents were present at 38 percent of the hearings overall. In cases in which children were returned home, parents were more frequently present. Parents were present in 59 percent of cases in which the child returned home compared to 40 percent in cases in which the child continued in care.

- Hearing decisions were reported implemented in 84 percent of cases. Implementation for adoption/TRR least frequently occurred. Sixty-eight percent of these cases were implemented.

7.3 Issues to be Addressed

The findings from all parts of the study, the national telephone interview, the in-depth review of the 18 month hearing in eight states, and the statutory analysis indicate that states are in the process of transition in which significant changes in their review systems are being made. These changes reflect the impetus to establish multiple levels of foster care review and to incorporate dispositional hearings into their case review systems. This process has given rise to some major questions on how to make the reviews and dispositional hearings effective and how to select the best overall case review process for a particular state or local system. Following is a summary of the major issues that still need to be addressed.

Adequate state laws. Conflict with or absence of state laws mandating dispositional hearings was most frequently cited as a problem in implementation by the national survey telephone respondents. In order to assure court and agency understanding of the role of the dispositional hearing, state laws need to be in place. These laws should outline the purpose of the dispositional hearing, the timeframes in which the hearing must occur, and the decision options to be addressed at the hearing.

State termination statutes. The inability to terminate parental rights due to weak state statutes is a critical issue in many states. A number of state statutes have time frames in excess of 18 months so that in many cases it would not be possible even to file for termination of parental rights for

some time after 18 months. Also, in some states, the court which conducts the dispositional hearing does not conduct the termination hearing and without strict guidelines for terminations, they did not occur. Some states have implemented termination laws which allow the state agency to file for termination of parental rights if parents are unable or unwilling to provide for their children within specific time frames. These statutes are extremely important if permanent decisions are to be made for children.

Personnel development and additional training. P.L. 96-272 creates a new role for many judges, lawyers and social workers, and training is necessary so that these personnel are not ill-prepared. Training issues include legal issues, permanency planning issues, the role and authority of the dispositional hearing, and decisionmaking. If possible, it would be advantageous to bring judges, social workers and lawyers together for some training sessions, however, each also needs specialized training in the context of his or her own discipline. It has also been suggested that a handbook on P.L. 96-272 be developed for parents.

Upgrading of services. An effective dispositional hearing cannot be implemented in a vacuum. If beneficial permanent placement decisions are to be made, then adequate alternatives and an entire spectrum of services must be available. Of special concern to study respondents was the lack of permanent placement options for teenagers and physically or emotionally handicapped children.

Development of mechanisms for coordination between court-agency. Our study indicated that there were few mechanisms developed to promote the level of cooperation necessary between agencies and courts in order to fully implement the

hearings. This affected such things as case scheduling, preparation for the hearings and holding timely in-depth review. Problems with interstate compacts were also creating delays.

Due process procedures. When hearings are held, care must be taken to ensure that the rights of all concerned parties are protected (i.e., effective notification, right to be heard, record of the proceedings). Specific procedural safeguards applicable to dispositional hearings need to be more clearly defined by states.

Legal representation. The quality and quantity of legal representation of parties at the hearings varies greatly. A number of issues were raised concerning legal representation at hearings. These include counsel not being appointed frequently enough, untrained counsel, and minimal monetary compensation available to counsel. Some respondents worried that mandating attorneys for all parties would make case decisions more adversarial and might result in court continuances, legal delays and prolonged time in substitute case.

Flexibility in interpretation. Application of the law needs to take into account the special concerns of each state. For example, some agencies in states where there is also tribal jurisdiction have found problems in ensuring that tribal services meet the 427 requirements.

Concerns over the use of court-appointed or approved bodies. Care needs to be taken to ensure that these bodies provide adequate due process protections and that the relationship to the court and the extent of authority of the body is clearly developed.

Inclusiveness of the hearings. Controversy over whether all children in care should be included exists within some states. Most respondents expressed the belief that all children, no matter what their status, should have a hearing review. However, certain respondents had questions as to whether, for example, children freed for adoption, or who were over a certain age, should be included. In addition, there were questions concerning cases in which all parties, including an outside review body, were in agreement on the permanent plan.

Voluntary placements. Many states indicated that children placed voluntarily are not in care long enough to have dispositional hearings. However, when children are in voluntary placements for long periods court jurisdiction to hold dispositional hearings is often lacking. Unless state law provides for court jurisdiction over these children to conduct the hearings the court ordinarily has no authority over them as it would have none over children left by their parents with other relatives. Relatively few states have passed such legislation and as a result states have difficulty complying with the dispositional hearing requirements for these children when they are in care over 18 months.

Funding. Many of the above-mentioned concerns, such as training, legal representation, the development of coordination and implementation mechanisms, and adequate services will require additional financial resources. Thus far, courts have had no funding made available to them for implementation of the hearings. This factor was repeatedly mentioned by respondents. It was noted that there was little motivation for courts to comply with the hearing requirements without providing the funding to cover the cost incurred for an increased role in the case review process.

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Appendix A

Breakdown of Agency and Court Responses for Tables in Chapter 4

Exhibit A-1. Problems cited due to existing state laws and policies in implementing P.L. 96-272

Absence or conflict with state law

- State law conflicts with P.L. 96-272
- Absence of state laws/procedures

Inadequate legal representation for agency, parents and children

- Agency needs legal counsel in order to bring case into court
- Lawyers unprepared
- Lack of funds for attorneys to represent child

No reason for court to comply with law

- No motivation for courts to comply
- Autonomous county court system inhibits statewide compliance

Court procedural requirements

- Court time requirements on submission of reports occur too soon
- No procedure for introducing cases retroactively into court
- Excessive time spent waiting at court house
- Court reports sent to all parties, violates confidentiality
- Inadequate sanctions against agency
- Lack of judicial training

Exhibit A-2. Cited benefits of P.L. 96-272

Protect children's rights

- Protection of child rights
- Improves mental health of child
- Provides children opportunity to express feelings and speak with judge

Increase agency accountability

- Increased agency accountability
- Additional safeguard/check on system
- Motivates worker to be well prepared
- Provides independent review with due process

Permanent plan becomes a priority

- Permanent plan becomes a priority
- Specific goals are set
- Speeds up termination process

More emphasis on reunification/rehabilitation of family

- Rehabilitation/reunification of the family
- Provides parents opportunity to learn better parenting
- Worker tends to work more with family system problems rather than one-to-one with the child
- Agency tends to compromise and provide more in-home services
- Provides a current evaluation and assessment of family situation

Protect parents' rights

Increased judicial involvement

- Court assumes responsibility for its decision
- Legal support for agency plan

Prevents foster care drift

- Less time in foster care
- Prevents foster care drift
- Reduce number of children in foster care

Increased participation of parties

Reduce cost of foster care

Agency/court relationship

Improves public understanding of foster care

Exhibit A-3. Cited problems in implementing P.L. 96-272

Need for training for judges, lawyers, agency staff

- Need for training of lawyers
- Need for training of judges
- Need for training of agency staff

Legal representation is inadequate for parents, children, and/or agency

- Legal representation of agency
- Legal representation of children
- Legal representation of parents
- Legal counsel should be assigned in time to be adequately prepared

Increased workload

- Increased court workload
- Extra time needed in preparation for hearings/reviews - extra paperwork
- Lack of work support
- Increased agency staff workload due to specificity and number of goals set
- Need for staff to link agency and court
- Need for more judges

Low priority given to dependency cases by courts

- Low priority given to dependency cases by court
- Rotation of judges (no continuity in case)

Legal delay

- Continuances put hearing time out of compliance
- Continuances create scheduling problems
- Excessive time spent waiting in court room
- Inadequate sanctions

Lack of adequate funding

- Need for more court funding
- Need for more agency funding

Agency/court relationship

- Agency held responsible for failure of courts
- Court influenced by relationship with attorney or agency
- Lack of state statutes

Clarification of the law

- Courts confused about definition of "dispositional hearing"
- Lack of judicial input in legislation
- Lack of federal regulations

Procedural problems

- Timeliness of agency reports
- Difficulty in tracking cases
- Lack of transportation/access for interested parties
- Lack of parental response
- Redundancy of reviews
- Need for time to modify/bring into compliance existing state procedures

Hearings negatively affect the family

- Hearings can be disruptive
- May slow down permanency planning
- Continuances can be traumatizing for the child
- Adversarial nature of court hearings inhibits reunification of families

Time frames

- Eighteen months is too long a time before having hearing
- Time frames too rigid

Exhibit A-4 Agency and court recommendations for changes to Public Law 96-272

- Increased funding
  - Funding for courts
  - Funding for agency
  - Provide funds for parental support services (e.g., job training, housing assistance)
- Clarification of law components
  - Clarify definitions in law
  - Clarify procedural safeguards
  - Clarify original placement
- More specific time frames
  - Make 18 months time limit shorter
  - Specify time line for gaining parents' cooperation
- No changes
  - No changes should be made
  - Too soon to say
- Greater flexibility in interpreting and implementing the law
  - Provide ability for parties to waive a hearing
  - Provide leeway for differences in state procedures
  - Allow exclusion of specific categories of cases from court review
  - Provide option for holding nonjudicial dispositional hearings
  - Prohibit federal audit pending publication of regulations

Exhibit A-4 (Continued)

- Stricter requirements and interpretation of the law
  - Hearings should be held by court only, not court appointed body
  - Prohibit agency from being able to hold court approved hearings
  - Mandate agency directly
  - Mandate procedural safeguards

- New requirements to be incorporated into the law
  - Include measures to ensure court compliance
  - Mandate staff training
  - Mandate written case plan to be part of court disposition
  - Mandate Section 427 for 4E children as well as 4B
  - Impose P.L. 96-272 requirements on Indian Child Welfare Act
  - Provide professional staff to assist court
  - Allow suit to be filed in federal court on behalf of the child if hearing is not petititoned for on schedule

Exhibit A-5 Agency and court recommendations regarding the type of technical assistance needed to implement P.L. 96-272

- Measures to ensure court compliance incorporated into the law

- Allow states flexibility in interpreting and implementing the law and some providing longer time for complaince

- Stricter requirements and interpretation of the law
  - Federal monitoring of agency
  - Make P.L. 96-272 mandatory, not just tied to federal funds
  - Specify that termination proceedings must happen prior to adoption orders
  - Mandate TPR within 30 days after 18-month hearing

- Increased funding for court and agency
  - Increased funding for courts
  - More funding for agencies

- Clarifications of components of the law
  - Regulations
  - Better definitions/procedures for Native Americans
  - Clarify definitions
  - Clarify expectations for audit

- Training for legal, court, and agency personnel
  - Education of judiciary
  - Systematic dissemination of information to attorneys by ABA
  - Provide technical assistance/training for states
  - Joint agency/lawyer workshops to develop more effective partnership
  - Handbook for parents on P.L. 96-272

Exhibit A-5 (Continued)

- Implement demonstration projects
  - Model acts/suggestions from HHR outlining possible/preferable procedures
  - Research to document benefits of holding hearings
  - Create joint committee between agency and court to develop policy

Appendix B

An Exploratory Discriminant Analysis of Factors Associated With Hearing Decision

Appendix B

B.1 An Exploratory Discriminant Analysis

The discussion in the text has indicated that several case characteristics differ significantly by hearing decision. In order to further explore the factors associated with hearing decision in combination with each other, a discriminant analysis was done utilizing those abstracted variables expected to be most associated with hearing decision. Discriminant analysis is a statistical technique which allows one to answer: 1) Which, if any, of the variables are useful in predicting hearing decision?; 2) How these variables might be combined into a mathematical equation to predict the most likely outcome?; and 3) the accuracy of the derived equation, (Klecka, William, Discriminant Analysis, Sage, Beverly Hills, 1980:7).

This appendix presents the results of 3 discriminant analyses. The first includes selected case characteristics and whether the initial case plan goal was return home or not. The second and third include, respectively, the periodic review and agency recommendations to the hearing in addition to the variables included in the first analysis.

Discriminant analysis assumes there are two or more groups with at least two cases per group. Discriminating variables must be measured on an interval or ordinal scale. There can be any number of discriminating variables provided it is 2 less than the number of groups. Because of the requirement that variables be on an interval or ordinal level several categorical variables were converted to dichotomous variables. Exhibit B-1 lists the variables included in each discriminant analysis.

The mathematical objective of the analysis is to weight and linearly combine the discriminating variables so that the

Exhibit B-1. Case Record Abstract Groups and Variables Included in Discriminant Analysis

Groups - Hearing Decision

1. Return Home or to relatives
2. Continued Foster Care
3. Permanent Foster Care
4. Adoption/TPR

Variables	Codes
Child's age	In years
Time in Foster Care	In months
Number of placements	Combined categories
Presence of disabling condition	0-1
Minority group membership	0-1
Parents present at hearing	0-1
Goal of return home	0-1
Substantiated report of child abuse	0-1

Additional variables in second and third analysis:

Periodic Review Recommendation

1. Return home/relatives
3. Permanent care
4. Adoption/TPR

Agency Recommendation

1. Return home/relatives
2. Continued care
3. Permanent care
4. Adoption/TPR

groups are forced to be as statistically distinct as possible. Discriminant analysis attempts to do this by forming one or more linear combinations of discriminating variables. The maximum number of functions that can be derived is one less than the number of groups. Canonical discriminant functions are derived which maximize the differences between the group means. When there are more than two groups, additional functions may be derived, up to one less than the number of groups. The coefficients for the functions derived after the first functions, are derived with the condition that they are not correlated with values on previous functions. A second step in the analysis is that of classification. By classification of the same cases used to derive the functions and comparison of the predicted group membership with actual membership one can empirically measure the strength of the discrimination provided by the variables included in the analysis (Klecka, 1980).

Exhibit B-2 summarizes results of the first discriminant analysis. The eigenvalues and their associated canonical correlations denote the relative ability of each of the three functions derived to separate the groups. The level of Wilks' lambda and the associated chi square tests indicate the degree of discriminating power remaining as each of the functions is removed. Before any functions were removed the lambda was .5488. This indicates that the variables contain a fair amount of discriminating power (the lower the lambda the higher the discrimination). Of the variance explained the first function accounts for 59 percent of the total. The second function is responsible for 29 percent and the third much less, only 12 percent.

The standardized discriminant function coefficients indicate the relative contribution of each variable to discriminant among the groups. The first function is clearly dominated the age of the child. Interestingly, the variable with the highest

Exhibit B-2. Summary of the first discriminant analysis.

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

SUMMARY TABLE

STEP	ACTION ENTERED	ACTION REMOVED	VARS IN	WILKS' LAMBDA	SIG.	LABEL
1	C82		1	0.742294	0.0000	CHILDS AGE
2	CD901		2	0.671067	0.0000	LEGAL PARENTS
3	CC7		3	0.631233	0.0000	TIME IN FOSTER CARE
4	C8401		4	0.601649	0.0000	NO KNOWN CONDITION
5	C83		5	0.577143	0.0000	CHILDS ETHNICITY
6	CD3		6	0.559135	0.0000	INITIAL PLAN GOAL
7	CC5		7	0.548859	0.0000	NUMBER OF PLACEMENTS

CANONICAL DISCRIMINANT FUNCTIONS

FUNCTION	EIGENVALUE	PERCENT OF VARIANCE	CUMULATIVE PERCENT	CANONICAL CORRELATION	AFTER FUNCTION	WILKS LAMBDA	CHI-SQUARED	D.F.	SIGNIFICANCE
1*	0.40634	59.27	59.27	0.5375262	0	0.5488594	161.68	21	0.0000
2*	0.19630	28.63	87.90	0.4050785	1	0.7718828	69.780	12	0.0000
3*	0.08295	12.10	100.00	0.2767622	2	0.9234027	21.476	5	0.0007

* MARKS THE 3 CANONICAL DISCRIMINANT FUNCTION(S) TO BE USED IN THE REMAINING ANALYSIS.

STANDARDIZED CANONICAL DISCRIMINANT FUNCTION COEFFICIENTS

	FUNC 1	FUNC 2	FUNC 3
C82	0.91940	0.48198	-0.10478
C83	-0.05610	-0.47192	-0.34938
C8401	0.03319	-0.04581	0.78605
CC5	-0.14946	-0.27324	0.14786
CC7	0.19005	-0.52626	0.43341
CD3	-0.30025	0.23747	-0.12923
CD901	0.21138	0.68073	0.32645

coefficients on the second function is legal parents present at the hearing (labeled "legal parents" in Exhibits B-2,5 and 6). This indicates that when the effect of age is removed this variable becomes of more importance. The variable with the highest coefficient in the third and weakest function is the presence or absence of disabling condition in the child (labeled "no known condition" in Exhibits B2.5 and 6). The analysis thus far indicates that the discrimination is statistically significant.

Further illustration of the group differences can be gained by looking at a plot of the cases and the group centroids (the mean discriminant scores for each group on the respective functions). In Exhibit B-3, the asteriks represent the group centroids and the numbers correspond to the decision groups. As can be seen from the plot considerable overlap, however, exists between the groups. They are not clearly separated even though the discrimination is statistically significant. Exhibit B-4 indicates percent of cases which were correctly classified using the discriminant functions. It can be seen that overall the percent of cases correctly classified was 50.4. The functions were best able to classify those cases in which the outcome was permanent foster care and those for which the decision was adoption or TPR. For these groups the percent of correct classifications was 73 and 70 percent, respectively.

B.2 Discriminant Analysis Including Periodic Review and Agency Recommendations to the Hearings

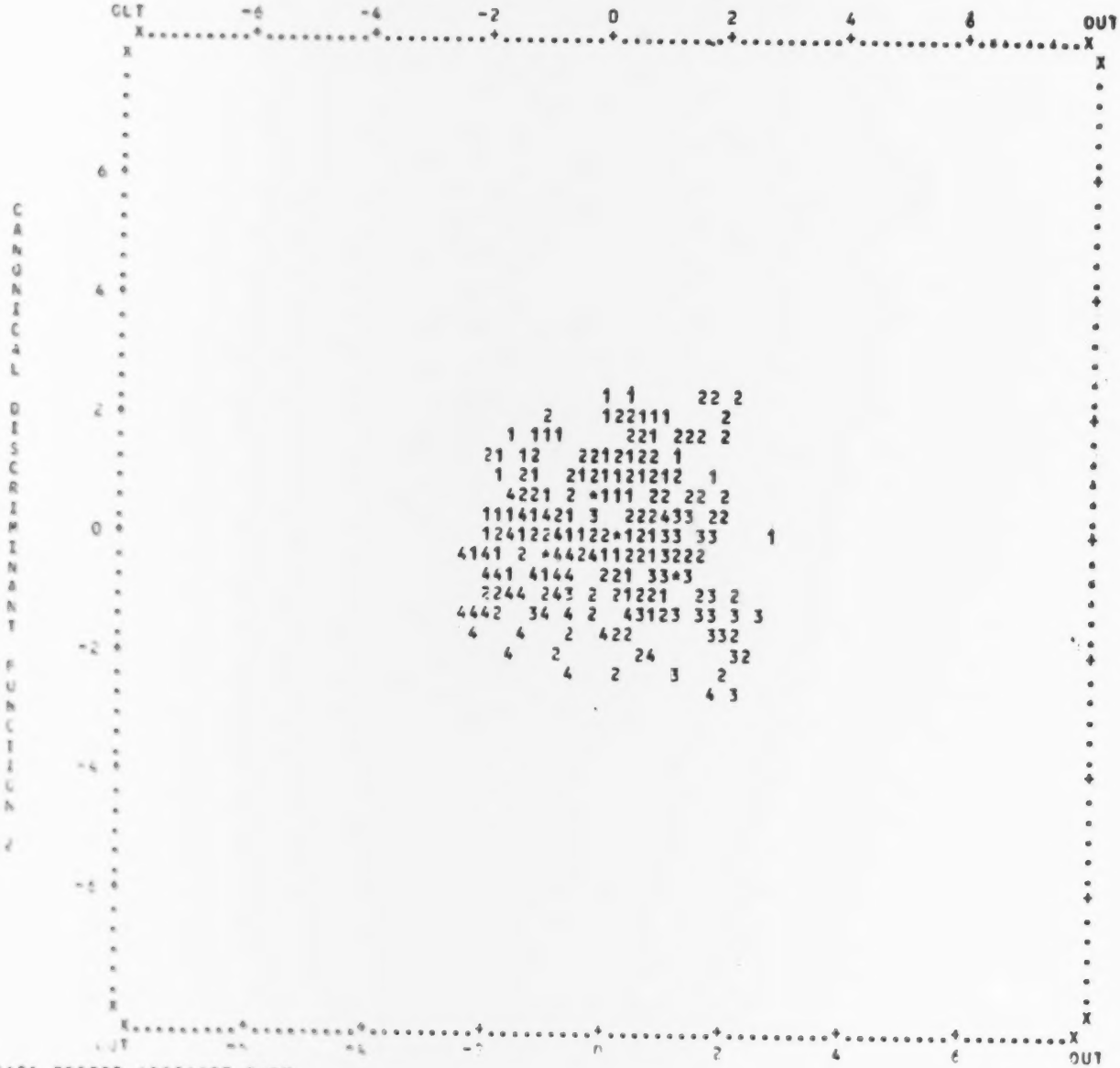
Exhibit B-5 to B-9 present the results of 2 additional discriminant analysis, one in which the results of the periodic review are included and one in which the agency recommendations to the hearing are included. For purposes of these analyses the recommendation variables were considered to be scaled on the dimension of distance away from return home as a placement. This classification corresponds to the numbering given to the

Exhibit B-3. Group ScatterPlot Discriminant Analysis 1.

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

ALL-GROUPS SCATTERPLOT - * INDICATES A GROUP CENTROID

CANONICAL DISCRIMINANT FUNCTION 1



CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

SYMBOLS USED IN PLOTS

SYMBOL	GROUP	LABEL
1	1	RETURN HOME
2	2	FOSTER CARE COAT
3	3	PERM FOSTER
4	4	ADOPTION TPR
*		GROUP CENTROIDS

Exhibit B-4. Classification Results: Discriminant Analysis 1.

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

CLASSIFICATION RESULTS

ACTUAL GROUP	NO. OF CASES	PREDICTED GROUP MEMBERSHIP 1	2	3	4
GROUP 1 RETURN HOME	80	38 47.5%	16 20.0%	12 15.0%	14 17.5%
GROUP 2 FOSTER CARE CONT	135	33 24.4%	47 34.8%	33 24.4%	22 16.3%
GROUP 3 PERM FOSTER	45	3 6.7%	6 13.3%	33 73.3%	3 6.7%
GROUP 4 ADOPTION TPR	67	9 13.4%	6 9.0%	5 7.5%	47 70.1%

PERCENT OF "GROUPED" CASES CORRECTLY CLASSIFIED: 50.46%

CLASSIFICATION PROCESSING SUMMARY

401 CASES WERE PROCESSED.
48 CASES WERE EXCLUDED FOR MISSING OR OUT-OF-RANGE GROUP CODES.
26 CASES HAD AT LEAST ONE MISSING DISCRIMINATING VARIABLE.
327 CASES WERE USED FOR PRINTED OUTPUT.
THE LOGICAL UNIT 9 IS CONNECTED TO FILE :

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hearing decision. Given the fact that this is not a true interval scale and that the variables will be treated as interval level variables this introduces some distortion in the direction of decreasing the discriminating power of the variables.

Because of the close correspondence between the periodic review recommendation and the agency hearing recommendation to the decision (see Chapter 6) it is not surprising that the ability to correctly classify the hearing decision becomes much greater when these are included. Sixty-five percent of the classes were correctly classified when the periodic review recommendation is included and 85 percent when the agency recommendation is included. Although variables other than the periodic review and agency recommendations to the hearings made statistically significant contributions, the functions dominated by these variables accounted, respectively, for 73 and 91 percent of the variation explained by discriminant analysis. Although age and disabling condition are relatively high on the second and third functions in both the analysis containing the periodic review, and that containing recommendations the hearings recommendations, the "parent present at the hearings" variable declines to nonimportance.

This indicates that parents present at the hearings was not especially significant in those cases in which there was not correspondence between the agency and the court. Rather it appears that the lack of correspondence, when it occurred, is more related to a situation in which decisions are postponed to return home or to have permanent foster care in favor of continued nonpermanent care.

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Exhibit B-5. Summary of second discriminant analysis including periodic review recommendations.

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

SUMMARY TABLE

STEP	ACTION ENTERED	ACTION REMOVED	VARS IN	WILKS' LAMBDA	SIG.	LABEL
1	C05		1	0.473604	0.0000	RECOMMEND PER REVIEW
2	C82		2	0.352074	0.0000	CHILDS AGE
3	CC7		3	0.333690	0.0000	TIME IN FOSTER CARE
4	C8401		4	0.319637	0.0000	NO KNOWN CONDITION
5	C03		5	0.308920	0.0000	INITIAL PLAN GOAL
6	C09C1		6	0.304045	0.0000	LEGAL PARENTS
7	C83		7	0.300262	0.0000	CHILDS ETHNICITY
8	CC5		8	0.296735	0.0000	NUMBER OF PLACEMENTS

CANONICAL DISCRIMINANT FUNCTIONS

FUNCTION	EIGENVALUE	PERCENT OF VARIANCE	CUMULATIVE PERCENT	CANONICAL CORRELATION	AFTER FUNCTION	WILKS LAMBDA	CHI-SQUARED	D.F.	SIGNIFICANCE
					0	0.2967349	326.81	24	0.0000
1*	1.25360	73.05	73.05	0.7458327	1	0.6687233	108.24	14	0.0000
2*	0.37483	21.84	94.89	0.5221457	2	0.9193793	22.611	6	0.0009
3*	0.09769	5.11	100.00	0.2839379					

* MARKS THE 3 CANONICAL DISCRIMINANT FUNCTION(S) TO BE USED IN THE REMAINING ANALYSIS.

STANDARDIZED CANONICAL DISCRIMINANT FUNCTION COEFFICIENTS

	FUNC 1	FUNC 2	FUNC 3
C82	-0.34135	0.73034	-0.28874
C83	0.12209	0.10872	-0.19230
C8401	0.03684	0.03327	0.75627
CC5	0.11832	-0.06309	0.22695
CC7	0.03446	0.30443	0.56069
C03	0.11641	-0.33402	-0.18474
C0901	-0.19429	0.00010	0.09870
C05	0.95102	0.13576	-0.07702

Exhibit B-6. Summary of third discriminant analysis including agency recommendation to the hearing.

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

SUMMARY TABLE

STEP	ACTION ENTERED	ACTION REMOVED	VARS IN	WILKS' LAMBDA	SIG.	LABEL
1	C06		1	0.181955	0.0000	AGEACY RECOMMENDATION
2	C82		2	0.137689	0.0000	CHILDS AGE
3	C8401		3	0.130439	0.0000	NO KNOWN CONDITION
4	QC7		4	0.123437	0.0000	TIME IN FOSTER CARE
5	C0901		5	0.117586	0.0000	LEGAL PARENTS
6	C03		6	0.113902	0.0000	INITIAL PLAN GOAL
7	C81		7	0.112510	0.0000	CHILDS SEX

CANONICAL DISCRIMINANT FUNCTIONS

FUNCTION	EIGENVALUE	PERCENT OF VARIANCE	CUMULATIVE PERCENT	CANONICAL CORRELATION	AFTER FUNCTION	WILKS' LAMBDA	CHI-SQUARED	D.F.	SIGNIFICANCE
					0	0.1125097	588.78	21	0.0000
1*	4.90219	91.20	91.20	0.9113569	1	0.6640535	110.33	12	0.0000
2*	0.38953	7.25	98.44	0.5294664	2	0.9227254	21.674	5	0.0006
3*	0.08375	1.56	100.00	0.2779832					

* MARKS THE 3 CANONICAL DISCRIMINANT FUNCTION(S) TO BE USED IN THE REMAINING ANALYSIS.

STANDARDIZED CANONICAL DISCRIMINANT FUNCTION COEFFICIENTS

	FUNC 1	FUNC 2	FUNC 3
Q61	0.02550	-0.12097	-0.13284
C82	-0.03655	0.79286	-0.34970
C8401	0.13193	0.03730	0.74962
QC7	-0.05698	0.25960	0.64512
C03	-0.04363	-0.33653	-0.20932
C0901	-0.23619	0.04852	0.07940
Q06	1.01101	0.05030	-0.04193

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Exhibit B-7. Classification results: discriminant analysis 2 and 3.

Analysis 2

CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

CLASSIFICATION RESULTS -

ACTUAL GROUP	NO. OF CASES	PREDICTED GROUP MEMBERSHIP 1	2	3	4
GROUP 1 RETURN HOME	72	55 76.4%	11 15.3%	5 6.9%	1 1.4%
GROUP 2 FOSTER CARE CONT	108	23 21.3%	53 49.1%	16 14.8%	16 14.8%
GROUP 3 PERM FOSTER	39	2 5.1%	4 10.3%	29 74.4%	4 10.3%
GROUP 4 ADOPTION TPR	65	6 9.2%	5 7.7%	6 9.2%	48 73.8%

PERCENT OF "GROUPED" CASES CORRECTLY CLASSIFIED: 65.14%

CLASSIFICATION PROCESSING SUMMARY

401 CASES WERE PROCESSED.
48 CASES WERE EXCLUDED FOR MISSING OR OUT-OF-RANGE GROUP CODES.
69 CASES HAD AT LEAST ONE MISSING DISCRIMINATING VARIABLE.
284 CASES WERE USED FOR PRINTED OUTPUT.
THE LOGICAL UNIT 9 IS CONNECTED TO FILE :

Analysis 3

CLASSIFICATION RESULTS -

ACTUAL GROUP	NO. OF CASES	PREDICTED GROUP MEMBERSHIP 1	2	3	4
GROUP 1 RETURN HOME	76	71 93.4%	5 6.6%	0 0.0%	0 0.0%
GROUP 2 FOSTER CARE CONT	131	10 7.6%	95 72.5%	14 10.7%	12 9.2%
GROUP 3 PERM FOSTER	46	0 0.0%	2 4.3%	43 93.5%	1 2.2%
GROUP 4 ADOPTION TPR	66	0 0.0%	2 3.0%	2 3.0%	62 93.9%

PERCENT OF "GROUPED" CASES CORRECTLY CLASSIFIED: 84.95%
CLASSIFICATION PROCESSING SUMMARY

401 CASES WERE PROCESSED.
48 CASES WERE EXCLUDED FOR MISSING OR OUT-OF-RANGE GROUP CODES.
34 CASES HAD AT LEAST ONE MISSING DISCRIMINATING VARIABLE.
319 CASES WERE USED FOR PRINTED OUTPUT.
THE LOGICAL UNIT 9 IS CONNECTED TO FILE :

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Exhibit B-8. Group scatterplot: discriminant analysis 2.

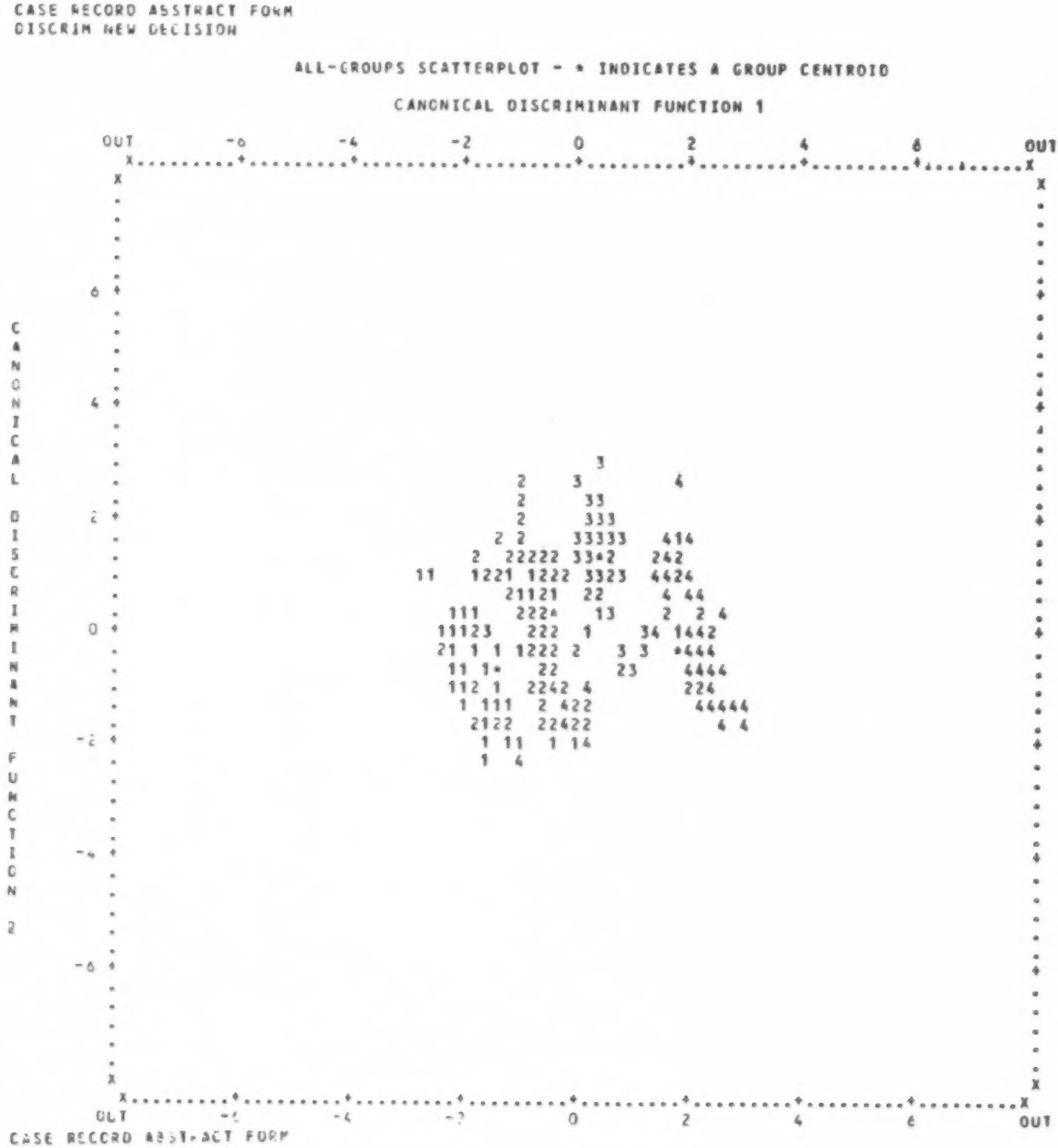

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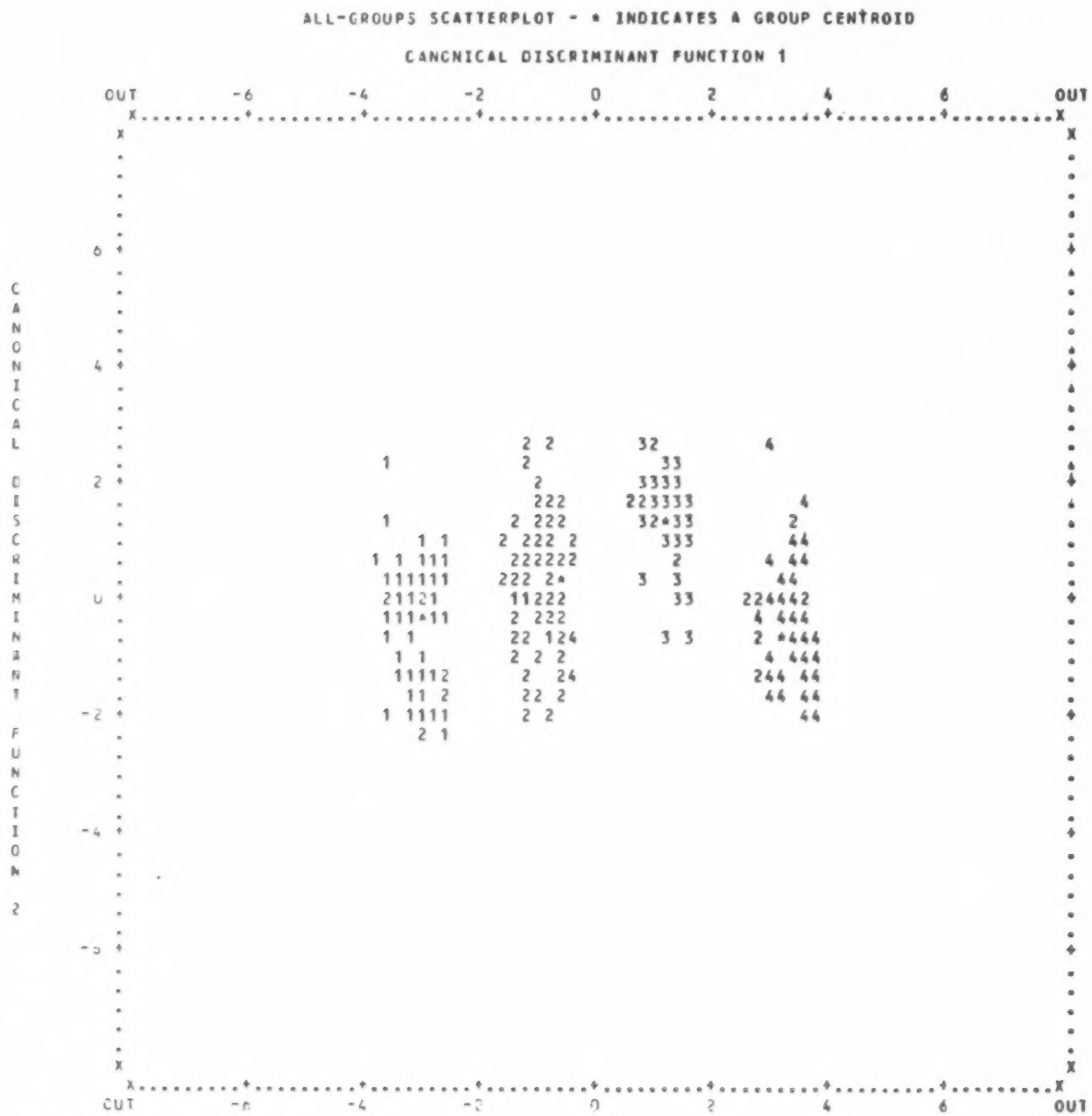
Exhibit B-9. Group scatterplot: discriminant analysis 3.



CASE RECORD ABSTRACT FORM
DISCRIM NEW DECISION

SYMBOLS USED IN PLOTS

SYMBOL	GROUP	LABEL
1	1	RETURN HOME
2	2	FOSTER CARE CONT
3	3	PERM FOSTER
4	4	ADOPTION TPR
*		GROUP CENTROIDS

Appendix C

Executive Summary of the
National Survey Vol. I

EXECUTIVE SUMMARY

Introduction

Under the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Congress outlined a case review system which includes a review by a court or administrative body at least every six months and as a procedural safeguard a dispositional hearing by a court or court appointed/approved body within 18 months of a child's placement and periodically thereafter. This study focuses on the dispositional hearing requirement of the case review system and addresses three major questions:

(1) What is the response of States to P.L. 96-272 with regard to dispositional hearings?

(2) How are dispositional hearings operating in the States?

(3) What are the advantages, problems and issues surrounding the implementation of the hearings?

Study Activities

To address the questions a two-part study was conducted consisting of a national exploratory survey of the hearings in 50 States and Washington, D.C., and an in-depth study of the 18th-month dispositional hearings in Arizona, Louisiana, Montana, North Dakota, San Francisco County (California), South Carolina, Virginia, and Washington, D.C. A special feature of the study was collection of parallel information and opinions from both court and agency staff.

The primary sources of information for the national study were telephone interviews with the State foster care administrator and one judge from each State. In addition, a statute search was conducted to determine the statutory basis for case review in each State.

This report presents tabulated results of the national telephone survey and statute search as well as qualitative information from the site visits. A second report will present results of the questionnaire and case record abstract analyses for the selected States.

Major Findings

Since the passage of P.L. 96-272, many States have made a significant effort to implement dispositional hearings. All but five States indicated they had a formal policy of holding a court hearing by at least the 18th month in care, and these five were in the process of evaluating policy in this area at the time of our survey.

However, only 66 percent (33 of the States in the survey) were able to report having such a policy and also estimate that 80 percent or more of the children in care 18 months or longer had actually had hearings by the time of our study. Of those having a policy to hold hearings by 18 months, 6 States reported they could not estimate the extent of implementation, and 6 reported that implementation was less than 80 percent. This reflects the fact that a number of States had only recently initiated the hearings for all children and were in a period of transition.

In fact, in order to implement the dispositional hearing, 75 percent of the States reported some modification of law or policy specifically designed to meet the dispositional hearing requirements was necessary.

States are in the process of transition in which significant changes in their review systems are being made. These changes reflect the impetus to establish multiple levels of foster care review and to incorporate dispositional hearings into their case review systems. This process has given rise to some major questions on how to make review effective and how to select the best review process for a particular State or local system.

Following is a summary of the status of States' implementation of dispositional hearing components and major issues that still need to be addressed.

State Statutes. Thirty States now have legal statutes mandating some form of court review within 18 months. Twelve of these States have actual statutory provisions requiring the court to choose one of several specific alternatives for the child's future status.

Presently there is a legal debate as to whether the dispositional hearing requirement of Federal law is binding on local courts without passage of State law provisions. Our study revealed that judges, referees and attorneys who were not familiar with P.L. 96-272 were usually familiar with the requirements of State law they worked with on a daily basis. This suggests that even if Federal law were binding, the relevant actors will not

know about it unless it is also in State law. State laws are also needed to define the details of State procedures with regard to implementing the components of dispositional hearings (i.e., time frames, procedural safeguards).

Role of the Dispositional Hearing. P.L. 96-272 states that the dispositional hearing "shall determine the future status of the child." The law specifies that this may include, but not be limited to, whether the child should be returned home, placed for adoption, or remain in foster care for a specified period of time.

The language of the law has resulted in a wide variety of interpretations of the purpose of the hearings. One perspective, suggested by a review of the legislative history, views the dispositional hearing as a "fish or cut bait" situation, in which a decision is made concerning whether the child should be returned home or another permanent arrangement be made. In only certain special circumstances would the child be continued in nonpermanent foster care for a specified time.

An alternative interpretation is that the dispositional hearing is a point at which a critical look is taken at the child's current status and a special assessment made of permanent plans for the child. This interpretation stops short, however, of forcing a definite decision as to the direction permanent custody will take at that time. Still another view is that the dispositional hearing is simply a time when the court reviews the progress of the agencies' plan for the child.

It was clear from our study that in almost all States the hearing was viewed as being focused on the development of a permanent plan for each child in care. This was manifest in the fact that when respondents were asked "whether the hearing resulted in a decision on what should be the permanent plan for the child," 82 percent responded with an unqualified "yes." However, in most States this approach stopped short of being a definite decision point at which a specific alternative was chosen. Rather, it more closely resembled ensuring that there was some articulable and appropriate case plan goal at that time.

Generally, where there was a judicial or other foster care review system already established prior to passage of P.L. 96-272, it resembled a periodic review or often simply provided for extension of the foster care order for an additional year if "the original purposes for foster care had not yet been fulfilled." In general, these existing laws do not require a decision at a specific point in time about the child's permanent home from among specified "permanent placement" alternatives nor do they specifically require or authorize the court to take

steps to see that the decision is implemented by the agency. Many States are continuing to use these reviews as their dispositional hearings.

A consensus needs to be reached between Federal, State and local officials as to the purpose and objective of the dispositional hearing as compared to such other existing review processes.

Who Conducts the Hearings. P.L. 96-272 specifies that the dispositional hearings may be conducted by a court or court appointed or approved body. In our survey, nine States reported ever utilizing court appointed or approved bodies for dispositional hearings and seven (14%) reported using such bodies "most frequently." Over two-thirds (72%) reported that a judge "most frequently" conducted the hearing. Only 8 percent reported a referee or master conducted the hearings more frequently or as frequently as the judge. Care needs to be taken to ensure that these bodies provide adequate due process protections. Systems that use court appointed or approved bodies to conduct dispositional hearings need to assign adequate authority to a decision maker in order to guarantee that the findings are carried out.

Definition of "Periodically Thereafter." P.L. 96-272 requires that hearings be held on a "periodic" basis after the first dispositional hearing held within 18 months, but does not specify the time frame. One concern has been that the States will not hold timely hearings ("periodically thereafter"). When asked how their State was defining "periodically thereafter", almost half (23) of the States reported they were requiring the subsequent hearing to occur by at least one year. Ten States required it by 6 months, 13 required it by 18 months, and 5 by 24 months. Eight States had not yet specified a time frame or the time frame varied by case.

Inclusiveness of the Hearings. Controversy over whether all children in care should be included exists within some States. Most respondents expressed the belief that all children, no matter what their status, should have a court review. However, certain respondents had questions as to whether, for example, children freed for adoption, or who were over a certain age, should be included. In addition, there were questions concerning cases in which all parties, including an outside review body, were in agreement on the permanent plan.

Due Process Procedures. In order to ascertain due process procedures used in conducting the hearings, judges were asked questions concerning legally mandated and commonly practiced due process procedures. Judges responded for their courtrooms and the results may indicate concepts of "best practice"

rather than usual practice in the typical case. Their responses indicated that written notification to participants is given in almost all cases, with only two judges reporting this was not usually done. However, in some cases written notification was given only at the time of the previous hearing (i.e., possibly six months earlier). Case reports and statements of the possible results of the hearings were less frequently given to parties prior to the hearing. Only 22 percent of the judges reported an unqualified "yes" to providing a case report, and only 38 percent indicated that a statement of possible results was included in notification. When asked if those notified were required to attend, only seven States reported an unqualified "yes" to this question. Typically, only the agency representative is required to attend.

Appointment of counsel was reported to be legally mandated by 22 judges (44%) and another 20 judges (40%) reported a qualified "yes" to this question. The quality and quantity of legal representation of parties at the hearings varies greatly. There is a need to ensure that all parties have appropriate representation. Almost all (90%) reported that those present were given the opportunity to present and question witnesses and that there was the right to appeal. Eighty percent reported that a record was made of the proceedings, and 92 percent said that a written order resulted from the hearings. Often, however, this simply involved signing the report prepared by the agency.

When hearings are held, care needs to be taken to ensure that the rights of all concerned parties are protected (i.e., effective notification, right to be heard, record of the proceedings). Specific procedural safeguards applicable to dispositional hearings need to be more clearly defined by States. Parental participation in case review is unfamiliar and uncomfortable to many State agency staff as well as parents. Major efforts are still needed to ensure that parents are notified in a timely fashion and are aided in full participation in hearing proceedings.

Authority of the Hearings. Judges and agency respondents were also asked whether they believed the court had authority to order certain specific actions at the dispositional hearing. Over 90 percent of both judges and agency representatives believed that the court, in the context of the dispositional hearing, had the authority to order the agency to return a child to their parents to order certain services for the families, or to continue the child in foster care for a specified time or on a long-term basis. Fewer respondents believed that the court could order the agency to file for termination (46 percent of the judges and 80 percent of the agencies). Similarly only 54 percent of judges and 74 percent of agency respondents stated they believed the

court had the authority to order the agency to take steps to place the child for adoption.

In general, as can be seen from the comparisons above, the judges viewed themselves as having less authority in the context of the hearings than did the agencies. There was only one exception to this. Seventy-four percent of the judges, compared to 64 percent of agency respondents, stated that they believed the hearing judge had the authority to order the agency to place the child with specific foster parents, relatives or in a specific residential placement. Several States have had court cases on this issue.

Major Implementation Problems. Respondents indicated that the major problems involved in implementing the hearings included an increase in workload and the absence of or conflict with existing State law. Specifically, respondents saw a need for more agency and court staff to prepare cases, hear cases, and to coordinate efforts between agency and court.

As court and agency interaction is becoming more interdependent, formal mechanisms to promote communication and coordination are necessary. Our study indicated that there were few mechanisms developed to promote the level of cooperation necessary between agencies and courts in order to fully implement the hearings. This impacted on such things as case scheduling, preparation for the hearings and holding timely in-depth review. Demonstration projects are recommended in this area.

Support for the Hearings. Despite some problems in achieving implementation of the hearings in a timely fashion, 96 percent of the agency representatives and 92 percent of the judges expressed the view that there was strong or moderate support for holding the hearings in their State. Similarly when respondents were asked whether they agreed or disagreed with the components of the P.L. 96-272 dispositional hearing requirement, over two-thirds agreed with each component of the requirement as contained in the law.

Policy Implications. When asked for recommendations, court and agency respondents stressed the need for training, funding and resources to be targeted toward preventing placement.

P.L. 96-272 creates new roles for many judges, lawyers, and social workers. Many respondents asked that technical assistance and training be made available from the Federal Government.

An effective dispositional hearing cannot be implemented in a vacuum. If beneficial permanent placement decisions are to be made, then adequate alternatives and an entire spectrum of services to prevent placement and work towards reunification

must be available. Of special concern is the lack of permanent placement options for teenagers and physically or emotionally handicapped children. Many respondents also expressed concern over inadequate funds for commencing preventive and reunification service programs.

Many of the above mentioned concerns, such as training, legal representation, the development of coordination and implementation mechanisms, and adequate services, will require additional financial resources. Thus far, courts have had no funding made available to them for implementation of the hearings. This factor was repeatedly mentioned by respondents. It was noted that there was little motivation for courts to comply with the dispositional hearing requirements and processes unless additional resources were made available to help alleviate their increased workload.

Public Law 96-272 has provided the mandate to ensure movement for children in foster care into permanent situations rather than allowing children to remain in care indefinitely. The dispositional hearing is one aspect of a larger system of case management practices designed to achieve this goal. Preliminary findings of our survey indicate that States are developing policies and procedures to implement these hearings into their system.

During our study we found support among all types of staff interviewed for both the concept and the practice of court based dispositional hearings. It was also found, however, that there is still considerable confusion among both court and agency personnel regarding the specific objectives of the dispositional hearing requirement. Procedural variations among States do not in themselves appear to present a barrier to the implementation of the P.L. 96-272 requirements. Rather, it is the lack of clearly defined roles and responsibilities for the parties involved in conducting the hearings which could prevent the hearings from achieving the desired outcome.

Appendix D

The Questionnaires and Case Record Abstracts

OMB #: 0980-0149

Expires: September, 1984

COURT PERSONNEL QUESTIONNAIRE

Introduction

Our study is concerned with the impact and implementation of the 1980 Federal law, Adoption Assistance and Child Welfare Act (P.L. 96-272). We are primarily interested in one part of the law which states that children under the supervision of the state child welfare agency must have a hearing by a court or court-appointed body within 18 months of the child's original placement in foster care. The purpose of the hearing is to decide the permanent future home of the child.

We know that many states require the courts to periodically review, typically every year or every six months, the status of each child in foster care. What we are generally interested in for this interview are any court hearings other than the initial custody hearing which directly address the need for permanent plans for foster children. These may be called periodic foster care review hearings, hearings to extend commitment, or permanency planning hearings, or they may be called by some other name. As you may know, the Federal law calls the hearings at which a decision must be made on the permanent future status of the child "dispositional hearings." The term does not mean the same thing as the usual juvenile court "disposition hearing" which is held at or shortly after the time a child is found to be abused, neglected or dependent, in order to decide upon the child's custody.

Your participation in this study is voluntary.

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[CARD 08]

In answering the following questions please refer to the hearing in your county that is most similar to the dispositional hearing just described.

1. In your county what are such hearings called?

_____

_____ /16-17

_____

NOTE:

Unless otherwise specified we will be asking the remaining questions about the hearing in your county closest to the one defined by P.L. 96-272. For the purpose of this interview, the terms we will use to refer to such hearings are dispositional hearings or these hearings.

2A. What has been your involvement with regard to dispositional hearings? Have you: (CIRCLE YES OR NO FOR EACH ITEM)

	YES	NO	
1. *Heard dispositional hearing cases	1	2	/18
(If yes, about how many times a month in the last year? _____)			/19-20
2. Written court findings/court orders	1	2	/21
3. Attended training sessions on the hearings.	1	2	/22
4. Reviewed agency reports to the courts in connection with such hearings. . . .	1	2	/23
5. Scheduled dispositional hearing cases	1	2	/24
6. Participated in written policy or court rule revisions with regard to such hearings	1	2	/25
7. Participated in agency/court meetings on implementing a system to assure that such hearings are held	1	2	/26
8. Contacted parents and other participants.	1	2	/27
9. Any other? (SPECIFY) _____	1	2	/28

_____

_____

2B. Approximately what percent of your time is spent hearing juvenile or family law cases?

_____ % /29-31
ENTER PERCENT

*For lawyers, ask if have represented and how often.

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2C. Have any of the following training sessions on dispositional hearings been provided for you? (CIRCLE ONE RESPONSE FOR EACH ITEM)

	Yes	No	
1. Orientation on Public Law 96-272.	1	2	/32
2. Training on permanent planning decisions for children in foster care	1	2	/33
3. Training on writing court reports/court orders/court findings . . .	1	2	/34
4. Training on your duties/responsibilities with regard to dispositional hearings.	1	2	/35
5. Other (SPECIFY) _____	1	2	/36

2D. Please list any other type of training session you feel would be beneficial to have.

_____

_____

_____

3A. Have any of the following happened in your county with regard to dispositional hearings since 1980? [CIRCLE YES OR NO FOR EACH ITEM]

	Yes	No	
1. Creation of new staff positions with regards to hearings.	1	2	/37
2. Establishment of new committees or departments with regard to hearings. . . .	1	2	/38
3. Establishment of new written policies/procedures for hearings	1	2	/39
4. Establishment of court rules and bench book materials for hearings.	1	2	/40
5. Establishment of new state laws with regard to hearings	1	2	/41
6. Increase in frequency of judicial review of children in foster care	1	2	/42
7. Increase in funding for the court system to aid with costs of such hearings .	1	2	/43

3B. Have any of the following hearing procedures changed since 1980? Has there been [CIRCLE YES OR NO FOR EACH ITEM]

	Yes	No	
1. An increase in the involvement of lawyers in the hearing.	1	2	/44
2. A change in who conducts the hearing.	1	2	/45
3. An increase in the formality of the hearing	1	2	/46
4. An increase in participation of parties in the hearings	1	2	/47
5. An increase in number of agency appeals of hearing decisions.	1	2	/48
6. An increase in number of parental appeals of hearing decisions.	1	2	/49
7. An increase in judges' decisions that specify a permanent plan for children .	1	2	/50

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4A. About how often do each of the following occur with regard to the hearings with which you have been involved? (CIRCLE ONE RESPONSE FOR EACH ITEM)

	Almost always or usually	Often	Sometimes	Infrequently	Almost never	
1. The hearing provides a thorough and disciplined examination of planning for the child.	5	4	3	2	1	/51
2. The hearing results in a definite decision on the permanent plan for the child's home (i.e., return home, guardianship).	5	4	3	2	1	/52
3. The occurrence of the hearing results in a change of case plans for the child.	5	4	3	2	1	/53
4. The case report prepared by the agency arrives in time for the judge and lawyer to review.	5	4	3	2	1	/54
5. The hearing provides a spur to the agency not to let the case slide.	5	4	3	2	1	/55
6. The hearing provides a forum to resolve parent-agency disputes.	5	4	3	2	1	/56
7. The hearings are carried out in a hurried, perfunctory manner.	5	4	3	2	1	/57
8. The hearing sets definite timetables for implementation.	5	4	3	2	1	/58
9. A decision at the hearing is influenced by the judge's perception of caseworker's past performance.	5	4	3	2	1	/59
10. Decisions at hearings are influenced by attendance or non-attendance of parents.	5	4	3	2	1	/60
11. Legal representation at the hearings is adequate for:						
a. the parents	5	4	3	2	1	/61
b. the agency	5	4	3	2	1	/62
c. the children	5	4	3	2	1	/63
12. Children are inadvertently passed over in scheduling reviews.	5	4	3	2	1	/64

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[CARD 09]

4B. Often the degree of formality of these hearings varies depending on the case. About what proportion of the hearings are each of the following? (ENTER PERCENT FOR EACH ITEM)

a. Full hearing with parties present, witnesses presented _____ % /16-18

b. Parties present, present views, no witnesses _____ % /19-21

c. Parties present, agreement previously reached out-of-court, no witnesses _____ % /22-24

d. Court review of written documents with only agency caseworker present _____ % /25-27

e. Court review of reports or documentation without parties present _____ % /28-30

Total 100%

5A. In your experience, overall, how often does the dispositional hearing decision differ from the agency recommendation? [PLEASE CIRCLE ONE] /31

Usually 1

Frequently. 2

Sometimes 3

Infrequently. 4

Almost never. 5

DK. 8

5B. What are the usual reasons a court decision will differ from an agency recommendation? /32

_____

_____

_____

5C. What methods does the court use to ensure that the agency implements its decision?

_____

_____

_____

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6A. Are hearings ever delayed because of court or agency backlog? (CIRCLE ONE)

No.	1	/33
Yes, court backlog.	2	
Yes, agency backlog	3	
Yes, both backlogged.	4	
Other (SPECIFY) _____	5	

_____

6B. If yes, in about what percent of the cases does this occur?

_____ % /34-36
ENTER PERCENT

6C. What are the usual reasons for the delay?

_____ /37

_____ /38

6D. In about what percent of the cases are hearings continued?

_____ % /39-41
ENTER PERCENT

6E. What are the usual reasons?

_____ /42

_____ /43

_____

6F. What special problems does this present?

_____

_____

_____

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7A. Are there any categories of cases that you believe should be exempted from the dispositional hearing process? (PLEASE CIRCLE YES OR NO FOR EACH ITEM)

Type of Case	Should be exempted	Should NOT be exempted	Don't know	
1. Voluntary placement	1	2	8	/44
2. Cases in which proceedings to terminate parental rights are under way	1	2	8	/45
3. Permanent long-term foster care cases	1	2	8	/46
4. Cases where parental rights have already been terminated	1	2	8	/47
5. Cases in which adoption proceedings have been initiated.	1	2	8	/48
6. Cases of children placed with relatives . . .	1	2	8	/49
7. Other (SPECIFY) _____	1	2	8	

7B. For what type of case(s) is permanent long-term foster care recommended or decided?

_____ /50

_____ /51

_____

7C. Is there a particular hearing or a point in time at which you believe you are required to make a definite decision about the future direction the child's case will go rather than allowing the child to stay in temporary foster care? (Foster care here does not refer to long term or permanent foster care consciously decided.)

Yes . . . . . 1 /52

No. . . . . 2 +/53-80

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11. Do you believe that the person conducting the dispositional hearing has the authority to order the agency to: [CIRCLE YES OR NO FOR EACH ITEM]

		Yes	No	
a.	Return the child to their parent.	1	2	/16
b.	Provide services to the family with a plan of returning the child home at a specified time.	1	2	/17
c.	Initiate a termination of parental rights proceedings	1	2	/18
d.	Ttake steps to place the child for adoption within a certain time frame . . .	1	2	/19
e.	Take steps to place the child for adoption within a certain time frame. . . .	1	2	/20
f.	Establish a long-term or permanent foster care plan for the child	1	2	/21
g.	Place the child with specific foster parents, relatives, group homes or residential placement.	1	2	/22
h.	File for guardianship or custody for the child.	1	2	/23

12. Now we are interested in getting your assessment of the impact or potential impact of holding judicial or court appointed body foster care review hearings. In your view have any of the following been or would they be increased, decreased or not affected by holding the hearings? [READ AND CIRCLE ONE RESPONSE FOR EACH ITEM]

		Have been			Would be				
		In-creased	De-creased	Not affected	In-creased	De-creased	Not affected	DK	
a.	Percent of terminations of parental rights	1	2	3	4	5	6	8	/24
b.	Length of time before agency recommends termination of parental rights	1	2	3	4	5	6	8	/25
c.	Number of placements per child.	1	2	3	4	5	6	8	/26
d.	Parental participation in the case review process	1	2	3	4	5	6	8	/27
e.	Percent of children returned home.	1	2	3	4	5	6	8	/28
f.	Protection of child rights. . .	1	2	3	4	5	6	8	/29
g.	Protection of parental rights .	1	2	3	4	5	6	8	/30
h.	Time involved for review of each case	1	2	3	4	5	6	8	/31
i.	Percent of cases which agency recommends long term or permanent foster care for children with special needs . .	1	2	3	4	5	6	8	/32
j.	Average length of substitute care.	1	2	3	4	5	6	8	/33

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13. Overall, do you agree or disagree with each of the following hearing requirements as set forth in P.L. 96-272? (PLEASE CIRCLE AGREE OR DISAGREE FOR EACH ITEM)

		Agree	Disagree	
a.	That an actual hearing be held (rather than paper review)	1	2	/34
b.	That it be under a court or court-appointed body.	1	2	/35
c.	That the hearing actually determine the plan for the child's permanent future home	1	2	/36
d.	That procedural safeguards be applied to protect the involved parties	1	2	/37
e.	That hearings be held within 18 months of initial placement	1	2	/38
f.	That hearings be held periodically thereafter	1	2	/39
g.	That the hearing requirements apply to all children in substitute care 18 months or longer	1	2	/40

13H. If they disagree, why? _____ /41-42

_____ /43-44

_____ /45-46

_____

13I. Apart from Federal law, would you say that there is support in your court for conducting regularly scheduled dispositional hearings? [PLEASE CIRCLE ONLY ONE RESPONSE]

Yes, strong. . . . . 1 /47

Yes, moderate. 2

Neutral. 3

Not much 4

Not at all 5

13J. Are there or have there been any laws or court review policies or procedures that make it difficult to meet the P.L. 96-272 dispositional hearing requirements?

Yes. . . . . 1 /48

No 2

If yes, what are they? _____ /49

_____

_____ /50

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14A. What do you see as being the major benefit of requiring dispositional hearings for children in foster care?

_____ /51-52

_____ /53-54

_____ /55-56

_____

14B. What are the major problems involved in implementing the hearings as required by P.L. 96-272?

_____ /57-58

_____

_____ /59-60

_____

_____ /61-62

_____

14C. One of the purposes of this study is to obtain feedback from states on the dispositional hearing components specified in P.L. 96-272. We'd like to know any recommendations you might have for:

1. Changes to improve this legislation.

2. What would be of assistance to states in its implementation?

1. _____ /63-64

_____

_____ /65-66

2. _____ /67-68

_____

_____ /69-70

For statistical purposes we would like to ask a few additional questions about your experience and background.

|CARD 07|

24. What is your current position with the agency? +/16-39

_____ /40-41

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OMB #: 0980-0149

Expires: September, 1984

COURT PERSONNEL QUESTIONNAIRE

Introduction

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_____

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	YES	NO	
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(If yes, about how many times a month in the last year? _____)			/19-20
2. Written court findings/court orders	1	2	/21
3. Attended training sessions on the hearings.	1	2	/22
4. Reviewed agency reports to the courts in connection with such hearings.	1	2	/23
5. Scheduled dispositional hearing cases	1	2	/24
6. Participated in written policy or court rule revisions with regard to such hearings	1	2	/25
7. Participated in agency/court meetings on implementing a system to assure that such hearings are held	1	2	/26
8. Contacted parents and other participants.	1	2	/27
9. Any other? (SPECIFY) _____	1	2	/28

_____

_____

2B. Approximately what percent of your time is spent hearing juvenile or family law cases?

_____% /29-31
ENTER PERCENT

*For lawyers, ask if have represented and how often.

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2C. Have any of the following training sessions on dispositional hearings been provided for you? (CIRCLE ONE RESPONSE FOR EACH ITEM)

	Yes	No	
1. Orientation on Public Law 96-272.	1	2	/32
2. Training on permanent planning decisions for children in foster care	1	2	/33
3. Training on writing court reports/court orders/court findings . . .	1	2	/34
4. Training on your duties/responsibilities with regard to dispositional hearings.	1	2	/35
5. Other (SPECIFY) _____	1	2	/36

2D. Please list any other type of training session you feel would be beneficial to have.

_____

_____

_____

3A. Have any of the following happened in your county with regard to dispositional hearings since 1980? [CIRCLE YES OR NO FOR EACH ITEM]

	Yes	No	
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2. Establishment of new committees or departments with regard to hearings. . . .	1	2	/38
3. Establishment of new written policies/procedures for hearings	1	2	/39
4. Establishment of court rules and bench book materials for hearings.	1	2	/40
5. Establishment of new state laws with regard to hearings	1	2	/41
6. Increase in frequency of judicial review of children in foster care	1	2	/42
7. Increase in funding for the court system to aid with costs of such hearings .	1	2	/43

3B. Have any of the following hearing procedures changed since 1980? Has there been [CIRCLE YES OR NO FOR EACH ITEM]

	Yes	No	
1. An increase in the involvement of lawyers in the hearing.	1	2	/44
2. A change in who conducts the hearing.	1	2	/45
3. An increase in the formality of the hearing	1	2	/46
4. An increase in participation of parties in the hearings	1	2	/47
5. An increase in number of agency appeals of hearing decisions.	1	2	/48
6. An increase in number of parental appeals of hearing decisions.	1	2	/49
7. An increase in judges' decisions that specify a permanent plan for children .	1	2	/50

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4A. About how often do each of the following occur with regard to the hearings with which you have been involved? (CIRCLE ONE RESPONSE FOR EACH ITEM)

	Almost always or usually	Often	Sometimes	Infrequently	Almost never	
1. The hearing provides a thorough and disciplined examination of planning for the child.	5	4	3	2	1	/51
2. The hearing results in a definite decision on the permanent plan for the child's home (i.e., return home, guardianship).	5	4	3	2	1	/52
3. The occurrence of the hearing results in a change of case plans for the child.	5	4	3	2	1	/53
4. The case report prepared by the agency arrives in time for the judge and lawyer to review.	5	4	3	2	1	/54
5. The hearing provides a spur to the agency not to let the case slide.	5	4	3	2	1	/55
6. The hearing provides a forum to resolve parent-agency disputes.	5	4	3	2	1	/56
7. The hearings are carried out in a hurried, perfunctory manner.	5	4	3	2	1	/57
8. The hearing sets definite timetables for implementation.	5	4	3	2	1	/58
9. A decision at the hearing is influenced by the judge's perception of caseworker's past performance.	5	4	3	2	1	/59
10. Decisions at hearings are influenced by attendance or non-attendance of parents.	5	4	3	2	1	/60
11. Legal representation at the hearings is adequate for:						
a. the parents	5	4	3	2	1	/61
b. the agency	5	4	3	2	1	/62
c. the children	5	4	3	2	1	/63
12. Children are inadvertently passed over in scheduling reviews.	5	4	3	2	1	/64

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[CARD 09]

4B. Often the degree of formality of these hearings varies depending on the case. About what proportion of the hearings are each of the following? (ENTER PERCENT FOR EACH ITEM)

a. Full hearing with parties present, witnesses presented	_____ %	/16-18
b. Parties present, present views, no witnesses	_____ %	/19-21
c. Parties present, agreement previously reached out-of-court, no witnesses	_____ %	/22-24
d. Court review of written documents with only agency caseworker present	_____ %	/25-27
e. Court review of reports or documentation without parties present	_____ %	/28-30
	Total 100%	

5A. In your experience, overall, how often does the dispositional hearing decision differ from the agency recommendation? [PLEASE CIRCLE ONE] /31

Usually 1
Frequently. 2
Sometimes 3
Infrequently. 4
Almost never. 5
DK. 8

5B. What are the usual reasons a court decision will differ from an agency recommendation? /32

_____

_____

_____

5C. What methods does the court use to ensure that the agency implements its decision?

_____

_____

_____

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6A. Are hearings ever delayed because of court or agency backlog? (CIRCLE ONE)

No. . . . . 1 /33
Yes, court backlog. 2
Yes, agency backlog 3
Yes, both backlogged. 4
Other (SPECIFY) _____ 5

_____

6B. If yes, in about what percent of the cases does this occur?

_____ % /34-36
ENTER PERCENT

6C. What are the usual reasons for the delay?

_____ /37

_____ /38

6D. In about what percent of the cases are hearings continued?

_____ % /39-41
ENTER PERCENT

6E. What are the usual reasons?

_____ /42

_____ /43

_____

6F. What special problems does this present?

_____

_____

_____

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7A. Are there any categories of cases that you believe should be exempted from the dispositional hearing process? (PLEASE CIRCLE YES OR NO FOR EACH ITEM)

Type of Case	Should be exempted	Should NOT be exempted	Don't know	
1. Voluntary placement	1	2	8	/44
2. Cases in which proceedings to terminate parental rights are under way	1	2	8	/45
3. Permanent long-term foster care cases	1	2	8	/46
4. Cases where parental rights have already been terminated	1	2	8	/47
5. Cases in which adoption proceedings have been initiated.	1	2	8	/48
6. Cases of children placed with relatives . . .	1	2	8	/49
7. Other (SPECIFY) _____	1	2	8	

7B. For what type of case(s) is permanent long-term foster care recommended or decided?

_____ /50

_____ /51

_____

7C. Is there a particular hearing or a point in time at which you believe you are required to make a definite decision about the future direction the child's case will go rather than allowing the child to stay in temporary foster care? (Foster care here does not refer to long term or permanent foster care consciously decided.)

Yes . . . . . 1 /52

No. . . . . 2 +/53-80

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|CARD 05|

11. Do you believe that the person conducting the dispositional hearing has the authority to order the agency to: [CIRCLE YES OR NO FOR EACH ITEM]

		Yes	No	
a.	Return the child to their parent.	1	2	/16
b.	Provide services to the family with a plan of returning the child home at a specified time.	1	2	/17
c.	**Continue child in foster care for a specified time period**	1	2	/18
d.	**Initiate a termination of parental rights proceeding.**	1	2	/19
e.	Take steps to place the child for adoption within a certain time frame. . . .	1	2	/20
f.	Establish a long-term or permanent foster care plan for the child	1	2	/21
g.	Place the child with specific foster parents, relatives, group homes or residential placement.	1	2	/22
h.	File for guardianship or custody for the child.	1	2	/23

12. Now we are interested in getting your assessment of the impact or potential impact of holding judicial or court appointed body foster care review hearings. In your view have any of the following been or would they be increased, decreased or not affected by holding the hearings? [READ AND CIRCLE ONE RESPONSE FOR EACH ITEM]

		Have been			Would be				
		In-creased	De-creased	Not affected	In-creased	De-creased	Not affected	DK	
a.	Percent of terminations of parental rights	1	2	3	4	5	6	8	/24
b.	Length of time before agency recommends termination of parental rights	1	2	3	4	5	6	8	/25
c.	Number of placements per child.	1	2	3	4	5	6	8	/26
d.	Parental participation in the case review process	1	2	3	4	5	6	8	/27
e.	Percent of children returned home.	1	2	3	4	5	6	8	/28
f.	Protection of child rights. . .	1	2	3	4	5	6	8	/29
g.	Protection of parental rights .	1	2	3	4	5	6	8	/30
h.	Time involved for review of each case	1	2	3	4	5	6	8	/31
i.	Percent of cases which agency recommends long term or permanent foster care for children with special needs . .	1	2	3	4	5	6	8	/32
j.	Average length of substitute care.	1	2	3	4	5	6	8	/33

13. Overall, do you agree or disagree with each of the following hearing requirements as set forth in P.L. 96-272? (PLEASE CIRCLE AGREE OR DISAGREE FOR EACH ITEM)

		Agree	Disagree	
a.	That an actual hearing be held (rather than paper review)	1	2	/34
b.	That it be under a court or court-appointed body.	1	2	/35
c.	That the hearing actually determine the plan for the child's permanent future home	1	2	/36
d.	That procedural safeguards be applied to protect the involved parties	1	2	/37
e.	That hearings be held within 18 months of initial placement	1	2	/38
f.	That hearings be held periodically thereafter	1	2	/39
g.	That the hearing requirements apply to all children in substitute care 18 months or longer	1	2	/40

13H. If they disagree, why? _____ /41-42

_____ /43-44

_____ /45-46

_____

13I. Apart from Federal law, would you say that there is support in your court for conducting regularly scheduled dispositional hearings? [PLEASE CIRCLE ONLY ONE RESPONSE]

Yes, strong. . . . . 1 /47

Yes, moderate. 2

Neutral. 3

Not much 4

Not at all 5

13J. Are there or have there been any laws or court review policies or procedures that make it difficult to meet the P.L. 96-272 dispositional hearing requirements?

Yes. . . . . 1 /48

No 2

If yes, what are they? _____ /49

_____

_____ /50

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14A. What do you see as being the major benefit of requiring dispositional hearings for children in foster care?

_____ /51-52

_____ /53-54

_____ /55-56

_____

14B. What are the major problems involved in implementing the hearings as required by P.L. 96-272?

_____ /57-58

_____

_____ /59-60

_____

_____ /61-62

_____

14C. One of the purposes of this study is to obtain feedback from states on the dispositional hearing components specified in P.L. 96-272. We'd like to know any recommendations you might have for:

1. Changes to improve this legislation.

2. What would be of assistance to states in its implementation?

1. _____ /63-64

_____

_____ /65-66

2. _____ /67-68

_____

_____ /69-70

For statistical purposes we would like to ask a few additional questions about your experience and background.

|CARD 07|

24. What is your current position with the agency? +/16-39

_____ /40-41

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25. How long have you been working in:

A. Your current position

_____ Number of years /42-43

B. The court system

_____ Number of years /44-45

C. Foster care review system

_____ Number of years /46-47

27. Please indicate all degrees held. (CIRCLE ALL THAT APPLY)

AA.	01	/54-55
BA/BS	02	
BSW	03	
MA/MS	04	
MSW	05	
DSW	06	
Ph.D.	07	
LL.B or (J.D.).	08	
Other (SPECIFY) _____	09	

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25. How long have you been working in:

A. Your current position _____ Number of years /42-43

B. The court system _____ Number of years /44-45

C. Foster care review system _____ Number of years /46-47

27. Please indicate all degrees held. (CIRCLE ALL THAT APPLY)

/54-55

AA. 01

BA/BS 02

BSW 03

MA/MS 04

MSW 05

DSW 06

Ph.D 07

LL.B or (J.D.). 08

Other (SPECIFY) _____ 09

_____

COMPARATIVE STUDY OF STATE CASE REVIEW SYSTEMS

PHASE II: DISPOSITIONAL HEARINGS

Foster Care Case Record Abstract Form

CARD 01

County and State _____

Westat ID # _____ /1-6

Agency-assigned ID # _____

Child's First Name _____

Abstractor (Name) _____

Abstractor ID # _____ /7-9

Date Abstract Completed _____|_____|_____
MM DD YY

A. CASE STATUS

A-1. Date case opened: _____|_____ /20-23
MM YY

A-2. Current case status (CIRCLE ONE) /24-25

01 Open (IF OPEN, SKIP TO SECTION B)

02 Closed

A-3. Date case was closed: _____|_____ /26-29
MM YY

A-4. Reason for case closure: (CIRCLE ONE) /30-31

01 Child returned home

02 Child's adoption finalized

03 Child placed with relatives

04 Child placed with legal guardian(s) or other caretakers

05 Child reached age of majority or was emancipated

06 Services terminated -- child ran away

88 Services terminated -- other reason [SPECIFY REASON]

_____

_____

_____

99 Missing data

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BEST COPY AVAILABLE

WESTAT ID #_____

B. CHILD CHARACTERISTICS

B-1. Child's sex: (CIRCLE ONE) /32-33

01 Male
02 Female
99 Missing data

B-2. Child's age: (CIRCLE ONE) /34-35

00 Less than one year old
01 One year old
02 Two years old
03 Three years old
04 Four years old
05 Five years old
06 Six years old
07 Seven years old
08 Eight years old
09 Nine years old
10 Ten years old
11 Eleven years old
12 Twelve years old
13 Thirteen years old
14 Fourteen years old
15 Fifteen years old
16 Sixteen years old
17 Seventeen years old
18 Eighteen years old
19 Nineteen years old
20 Twenty years old
99 Missing data

B-3. Child's race/ethnicity: (CIRCLE ONE) /36-37

01 White - not Hispanic
02 Hispanic
03 Black - not Hispanic
04 Asian or Pacific Islander
05 American Indian or Alaskan native
06 Mixed race
99 Missing data

B-4. Presence of disabling condition: (CIRCLE ALL THAT APPLY) /38-53

01 No known disabling condition
02 Mental retardation
03 Emotional disturbance
04 Specific learning disability
05 Hearing, speech or sight impairment
06 Physical disability
88 Other clinically diagnosed conditions
[SPECIFY] _____
_____
_____
99 Missing data

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WESTAT ID # _____

C. CASE CHARACTERISTICS

C-1. Type of initial placement: (CIRCLE ONE)

01 Voluntary /54-55
02 Involuntary
99 Missing Data

C-2. Primary reason for most recent removal of child from own home: (CIRCLE ONE) /56-57

01 Child behavior problem
02 Child disability or handicap
78 Other child related conduct or condition [SPECIFY]

_____

_____

_____

03 Validated report of child abuse
04 Validated report of child neglect
05 Other family interaction problems
06 Housing or financial hardship
07 Parent/caretaker illness, disability or substance abuse
08 Parent/caretaker temporary absence
09 Parent/caretaker death
10 Relinquishment of parental rights (e.g., parent requests)
88 Other parent/caretaker related conduct, condition or absence

[SPECIFY] _____

_____

_____

99 Missing data

C-3. Most recent living arrangement while in foster care placement: (CIRCLE ONE) /58-59

01 Licensed or approved foster family home
02 Unlicensed foster home of relative(s)
03 Unlicensed foster home of legal guardian(s) or other caretaker(s)
04 Adoptive home - not finalized
05 Emergency shelter care
06 Group home for children
07 Child care facility -- 25 or fewer children
08 Child care facility -- more than 25 children
09 Independent living
10 Runaway
88 Other [SPECIFY]

_____

_____

99 Missing data

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WESTAT ID # _____

C. CASE CHARACTERISTICS (Continued)

C-4. Most recent legal custody status while in foster care placement: (CIRCLE ONE) /60-61

01 Custody with parent(s)
02 Custody with relative(s)
03 Custody with legal guardian(s) or other caretaker(s)
04 Custody with agency -- child free for adoption
05 Custody with agency -- other status
06 Emancipated minor
88 Other [SPECIFY]
_____
_____
99 Missing data

C-5. Number of placements while in foster care placement: (CIRCLE ONE) /62-63

01 1 placement
02 2 placements
03 3 to 5 placements
04 6 to 10 placements
05 Over 10 placements
99 Missing data

C-6. Placement status: (CIRCLE ONE)

01 Currently in foster care placement /64-65
02 Has left foster care placement

C-7. Length of time child was in foster care: (LIST THE ENTRY AND EXIT DATES THAT CHILD HAS BEEN IN FOSTER CARE PLACEMENT)

Initial Placement and Number of Re-entry Placements	(1) Entry Date	(2) Exit Date	(3) Total Months in Care
Initial placement	____/____ MM YY	____/____ MM YY	_____
2	____/____ MM YY	____/____ MM YY	_____
3	____/____ MM YY	____/____ MM YY	_____
4	____/____ MM YY	____/____ MM YY	_____
5	____/____ MM YY	____/____ MM YY	_____
			Total Months In Care: _____

/66-68

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BEST COPY AVAILABLE

WESTAT ID # _____

D. CASE PLANNING, REVIEW AND MANAGEMENT

BEGIN CARD 02

D-1. Services indicated in case plan: (CIRCLE ALL THAT APPLY) /17-58

01 Adoption services
02 Foster family care
03 Group home services
04 Independent living
05 Residential treatment
06 Emergency shelter care
07 Day care services
08 Day treatment
09 Health services
10 Homemaker/home health aide
11 Mental health services
12 Child protective services
13 Counseling
14 Educational services (remedial or special)
15 Employment services
16 Financial assistance
17 Legal services
18 Court studies
19 Transportation
88 Other services [SPECIFY]

_____

_____

99 Missing data

D-2. What is the approximate date for each of the following? BEGIN CARD 03

COLUMN A: CIRCLE 01 IF HEARING/REVIEW OCCURRED
CIRCLE 02 IF HEARING/REVIEW DID NOT OCCUR
CIRCLE 99 IF INFORMATION IS NOT AVAILABLE

COLUMN B: ENTER DATE; ENTER (99) IF DATA IS NOT AVAILABLE

COLUMN C: SEE INSTRUCTIONS

		/17-24 (A) Occurred (01) Not Occurred (02)	/25-48 (B) Date: Month/Year	/49-66 (C) Computation
a.	Initial placement date		___/___	_____
b.	Most recent date child re-entered foster care if different from initial placement		___/___	_____
c.	Permanent custody hearing (held after adjudication hearing)	01 02 99	___/___	_____
d.	Last periodic review held prior to dispositional hearing closest to child's eighteenth month in care	01 02 99	___/___	_____
e.	Dispositional hearing closest to child's eighteenth month in care (or first dispositional hearing if hearings have just been implemented)	01 02 99	___/___	_____
f.	Most recent dispositional hearing (if different than e.)	01 02 99	___/___	_____

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WESTAT ID # _____

D. CASE PLANNING, REVIEW AND MANAGEMENT (Continued)

D-3. Initial case plan goal: (CIRCLE ONE) /67-68

01 Return child to own home
02 Permanently place child with relatives
04 Place for adoption
05 Long term foster care
06 Place with legal guardians or other caretakers
10 Emancipation or independent living
88 Other [SPECIFY]
_____
_____
99 Missing data

D-4. Initial case plan goal signed by: (CIRCLE ALL THAT APPLY) /69-76

01 Child's legal parent(s) or caretaker(s)
02 Child's foster parent(s)
88 Others (SPECIFY) _____
_____
_____
99 Missing data

D-5. Recommendation from last periodic review held prior to most recent dispositional hearing: (CIRCLE ONE) /77-78

01 Return child to own home
02 Permanently place child with relative
03 File for termination of parental rights
04 Place child for adoption
05 Permanent or long term foster care
06 Permanently place child with legal guardian(s) or other caretaker(s)
07 Continue current placement for specified period of time
08 Continue current placement for unspecified period of time
09 Change current placement but continue in foster care
10 Emancipation or independent living
88 Other [SPECIFY]
_____
_____
99 Missing data

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D. CASE PLANNING, REVIEW AND MANAGEMENT (Continued)

D-6. Agency recommendation to the court/body for most recent dispositional hearing: (CIRCLE ONE) /79-80

01 Return child to own home
02 Permanently place child with relative
03 File for termination of parental rights
04 Place for adoption
05 Permanent or long term foster care
06 Permanently place child with legal guardian(s) or other caretaker(s)
07 Continue current placement for specified period of time
08 Continue current placement for unspecified period of time
09 Change current placement but continue in foster care
10 Emancipation or independent living
88 Other [SPECIFY]

_____

_____

99 Missing data

BEGIN CARD 04

D-7. Recommendation/decision resulting from dispositional hearing held closest to child's 18th month in care: (CIRCLE ONE) /17-18

01 Return child to own home
02 Permanently place child with relative
03 File for termination of parental rights
04 Place for adoption
05 Permanent or long term foster care
06 Permanently place child with legal guardian(s) or other caretaker(s)
07 Continue current placement for specified period of time
08 Continue current placement for unspecified period of time
09 Change current placement but continue in foster care
10 Emancipation or independent living
88 Other [SPECIFY]

_____

_____

99 Missing data

(IF ONLY ONE HEARING HAS OCCURRED, SKIP TO D-9.)

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D. CASE PLANNING, REVIEW AND MANAGEMENT (Continued)

D-8. Recommendation/decision resulting from most recent dispositional hearing: (CIRCLE ONE) /19-20

01 Return child to own home
02 Permanently place child with relative
03 File for termination of parental rights
04 Place for adoption
05 Permanent or long term foster care
06 Permanently place child with legal guardian(s) or other caretaker(s)
07 Continue current placement for specified period of time
08 Continue current placement for unspecified period of time
09 Change current placement but continue in foster care
10 Emancipation or independent living
88 Other [SPECIFY]

_____

_____

99 Missing data

NOTE: Questions D-9 through D-15 REFER TO THE MOST RECENT DISPOSITIONAL HEARING WHEN MORE THAN ONE DISPOSITIONAL HEARING HAS OCCURRED. IF ONLY ONE DISPOSITIONAL HEARING HAS OCCURRED REFER TO THAT HEARING.)

D-9. People present at most recent dispositional hearing: (CIRCLE ALL THAT APPLY) /21-40

01 Legal parents
02 Foster parents
03 Child in question
04 Caseworker
05 Supervisor
06 Parent's attorney
07 Agency attorney
08 Guardian ad litem or child's attorney
88 Other participants/witnesses [SPECIFY]

_____

_____

99 Missing data

D-10. Continuation status of most recent dispositional hearing: (CIRCLE ONE) /41-42

01 Hearing concluded on date shown in D-2 (SKIP TO D-12)
02 Hearing continued beyond date shown in D-2

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D. CASE PLANNING, REVIEW AND MANAGEMENT (Continued)

D-11. Total length of continuance(s): (CIRCLE ONE) /43-44

01 Less than 1 week
02 2 to 4 weeks
03 5 to 11 weeks
04 12 weeks to 23 weeks
05 24 weeks to 51 weeks
06 52 weeks or more
99 Missing data

12. Court order or hearing decision specifies the following for most recent dispositional hearing: (CIRCLE ALL THAT APPLY) /45-56

01 Placement with specific foster parents, relatives, or any specific group home or residential placement
02 Specific services that agency must provide
03 Time frames in which court order (hearing decision) must be implemented
04 Duties that parents must perform
05 No written statement in case record
99 Missing data

13. Implementation status of most recent dispositional hearing decision: (CIRCLE ONE) /57-58

01 Decision implemented by agency (SKIP TO D-15)
02 Decision has not yet been implemented by agency
03 Unable to determine if decision has been implemented or not (CONCLUDE ABSTRACT)

14. If decision not implemented, reason agency has not implemented: (CIRCLE ONE) /59-60

01 Change in child's circumstances
02 Change in parent's circumstances
03 Agency disagrees with the decision
04 Necessary resources not available
05 Agency still working on implementing decision
88 Other [SPECIFY] _____
_____
99 Missing data (CONCLUDE ABSTRACT)

15. Elapsed time between date of most recent dispositional hearing decision and date agency implemented the decision. (CIRCLE ONE) /61-62

01 Less than one month
02 One month to three months
03 Four months to six months
04 Seven months to twelve months
05 Twelve months or more
99 Missing data

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(CONCLUDE ABSTRACT)

APPENDIX E

Presence of Disabling Condition

Definition: For reporting purposes, a child having a disabling condition is one who has been evaluated and diagnosed, by a professionally qualified and licensed clinician in the appropriate speciality, as having one of the disabling conditions defined below:

- No known disabling condition	No clinically diagnosed disabling condition.
- Mental retardation	Significantly sub-average general cognitive and motor functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period, that adversely affect a child's/youth's socialization and learning.
- Emotional disturbance	A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to build or maintain satisfactory inter-personal relationships, inappropriate types of behavior or feelings under normal circumstances; a general pervassive mood of unhappiness or depression; or tendency to develop physical symptoms or fears associated with personal problems. The term does not include persons who are socially maladjusted, unless it is determined that they are also seriously emotionally disturbed.
- Specific learning disability	A disorder in one or more of the psychological processes involved in understanding or using

		language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to use mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyxlexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor handicaps, mental retardation, or environmental, cultural or economic disadvantage.
-	Hearing, speech, or sight impairment	A hearing impairment, whether permanent or fluctuating, that adversely affects educational performance; a communication disorder, such as stuttering, impaired articulation. A language impairment or voice impairment, that adversely affects educational performance; or concomitant hearing and visual impairments that adversely affect educational performance.
-	Physical disability	A physical condition that adversely affects the child's day-to-day motor functioning, such as cerebral palsy, spinabifida, multiple sclerosis, orthopedic impairments, and other physical disabilities.
-	Other clinically diagnosed condition(s)	Clinically diagnosed disabling conditions other than those listed above.

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